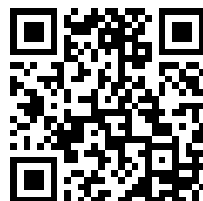


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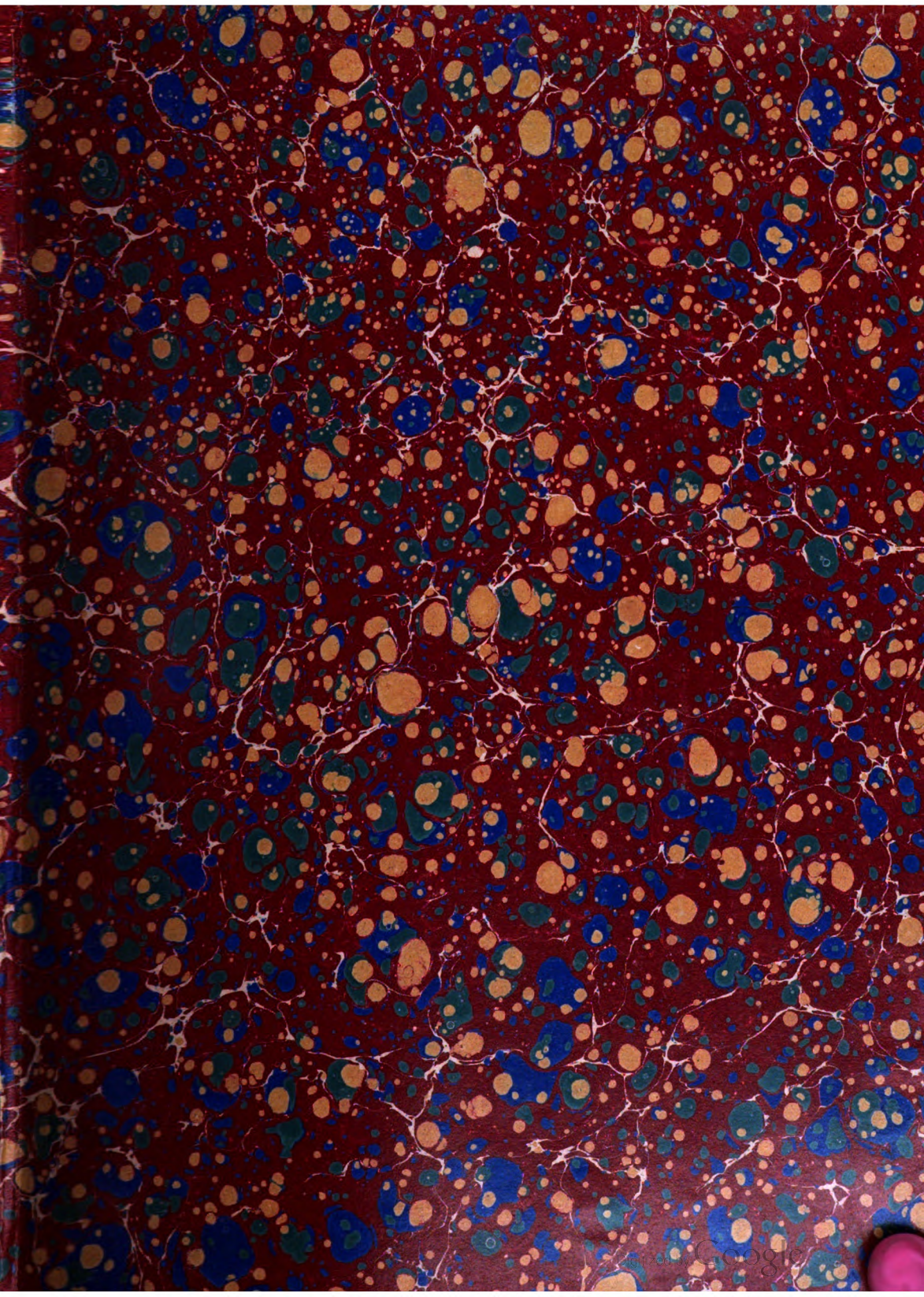
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Vol. 472







THE ORIGINAL FORM  
OF  
THE HOLINESS-CODE

*A PHILOLOGICAL DISSERTATION*

SUBMITTED IN FULFILMENT OF THE REQUIREMENTS  
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY  
IN THE UNIVERSITY OF MARBURG

BY

LEWIS BAYLES PATON, M.A.

OF NEW YORK, U.S.A.

PART I.

*THE ORIGINAL FORM OF LEVITICUS XVII.-XIX.*

MARBURG, 1897





*ACCEPTED AS A DISSERTATION BY THE PHILOSOPHICAL  
FACULTY, MAY 21, 1896.*



## The Original Form of Lev. 17-19.

THE importance of a critical investigation of the Holiness-legislation needs no proof. If, as is generally admitted, an older code has been incorporated with the priestly legislation of these chapters, it is desirable that we should determine as nearly as possible the original form of this document, in order that we may be able to assign it to its true place in the development of Hebrew legislation.

This is recognized by all critics, and has led already to the writing of several valuable treatises, so that a new investigation seems almost superfluous. Nevertheless, in spite of all that has been done for the analysis of the Holiness-Code by the researches of Graf, Kayser, Wellhausen, Dillmann, Driver, and others, and all that has been done for the determination of its historical position by Nöldeke, Klostermann, Horst, and Baentsch, the problems have not yet been so fully solved as to preclude a new study.

In spite of the importance of determining the exact contents of the Holiness-Code, its analysis has never been made the object of such elaborate study as has been put upon the analysis of Genesis, and the lines of demarkation between the earlier and the later strata are still far from being certainly determined. The question has not yet been answered, In precisely what form did the Holiness-laws exist before they came into their present recension in the Book of Leviticus? The relation of the hortatory passages to the code proper and to the later insertions has never been studied with sufficient care. Even the textual criticism of these chapters has not yet reached the point where further research is superfluous.

In the following pages I do not claim to present a solution of the problem of the Holiness-Code; I endeavor only to contribute a little to the analysis of that document. No one is better aware than I of the difficulties that beset many of the positions that I have taken, and of the objections that may easily be brought against them. My own views have undergone change so frequently, as I have studied deeper into the questions, that I know that I must hold them open to still further modification, and am prepared to welcome criticism



and correction. In no single point do I feel that I have reached finality. I present my conclusions, therefore, with hesitation, not as established facts, but as theories and conjectures, which are worthy of consideration, and which, I hope, may turn out to contain something of permanent value. If ever I seem to express myself too positively on points that are, to say the least, problematic, I trust that this will be excused by the reader, as due to controversial ardor rather than to dogmatism.

## I. ANALYSIS OF LEV. 17<sup>1</sup>-18<sup>6</sup>.

1. **The Legislation of H underlies this Section.** — That portions of this legislation are independent of P, and have linguistic affinity with H, is now generally recognized. The recurrent formula **אִישׁ אִישׁ** (17<sup>3,8,10,13</sup> cf. 18<sup>6</sup> 20<sup>2,9</sup> 22<sup>4,18</sup> 24<sup>15</sup>), the phrases **דָּם יִחַשֵׁב לְאִישׁ הָהוּא** (17<sup>4</sup> cf. 20<sup>9,11,12,13,16,27</sup>), **וְכַח זֶבַח** (v.<sup>5,7</sup> cf. 19<sup>5</sup> 22<sup>29</sup>), **וּנְכַרְתָּ הָאִישׁ הוּא** (17<sup>4</sup> cf. 20<sup>9,11,12,13,16,27</sup>), **וְנָתַתִּי פָנַי בְּנַפְשׁוֹ** (v.<sup>10</sup> cf. 20<sup>3,5</sup> 26<sup>17</sup>), the use of the first person in the divine address, are all characteristic of H. Other expressions occur, which, although they cannot be said to be characteristic of H, are nevertheless foreign to P. Such are **עַל מִזְבַּח יְהוָה** (v.<sup>6</sup>), **וְנָה אַחֲרָי** (v.<sup>7</sup>), **עָלָה אֹר זֶבַח** (v.<sup>8</sup>). The annexing of reasons to the commandments is not the custom of P, and the use of the first person in these exhortations is also foreign to his style. Accordingly, it is apparent that we have here, to a greater or less extent, elements of an independent legislation.

Furthermore, the fundamental ideas of this legislation are distinguished more or less sharply from the fundamental ideas of P. The opening enactment, which cannot be eliminated from v.<sup>3-7</sup> by any critical process, that every slaughtering must be a sacrifice, is diametrically contrary to the theory of the Priestly Code (against Kayser, *Vorexil. Buch*, p. 69). As Wellhausen shows with consummate clearness (*Composition*, p. 153), P permits and everywhere assumes the free, non-sacrificial slaughter of domestic animals. The permission given to Noah (Gen. 9<sup>3ff.</sup>) to use animal food is coupled with no other restriction than that the blood shall not be eaten, and the fact that P has inserted this permission along with the Sabbath and circumcision in the history of the patriarchs, is proof that he regarded it as still valid. The assertion of Dillmann (*Ex-Lev.*, p. 536) and of Kittel (*Theol. Stud. aus Württemberg*, 1881, p. 43), that P did not intend this permission to be permanent, is without foundation. The assumption of P, that slaughtering is free, is evident also from the following

facts: Peace-offerings play an unimportant part in his legislation, which would not be the case, if every slaughtering were a peace-offering; and the priests are to receive the shoulder and the breast of the peace-offerings, which would be an excessive allowance for their support, if every slaughtering were a peace-offering. Finally, Lev. 7<sup>22-27</sup> clearly assumes that the slaying and eating of animals is permitted in all parts of the land, the only restriction being that the fat and the blood are not to be eaten (cf. Kuenen, *Onderzoek*, p. 90; Wurster, *ZATW*. 1883, p. 120; Baentsch, *Heiligkeitgesetz*, p. 22).

The second fundamental proposition of the chapter (v.<sup>8-9</sup>), that all sacrifices must be brought to Yahweh only, is, it is true, not contrary to the spirit of P, but is, nevertheless, formally distinct from it. P never preaches against illegal forms of worship. It is addressed to those who are confirmed Yahweh worshippers, and the possibility that they will be led away into idolatry is never entertained. P assumes that the **אֹהֶל מוֹעֵד** is the place where sacrifice will be offered, and that all sacrifices will be offered to Yahweh, but it does not condemn other sanctuaries or contend against idolatry in the manner of this passage. The situation which underlies this law, therefore, is different from the one which is presupposed by P and is more akin to D.

Besides, the fact that this law recognizes only two forms of sacrifice, the **עֹלָה** and the **זֶבַח** (or **שָׁלַם**) distinguishes it from P and allies it with the older legislation (cf. Ex. 10<sup>25</sup> 18<sup>13</sup> 20<sup>24</sup> 24<sup>5</sup> 32<sup>6</sup> Dt. 27<sup>6f</sup>. Jos. 8<sup>31</sup> Ju. 20<sup>26</sup> 21<sup>4</sup> 1 S. 6<sup>15</sup> 10<sup>8</sup> 13<sup>9-12</sup> 2 S. 6<sup>17f</sup>. 24<sup>23-25</sup> 1 Ki. 3<sup>15</sup> 2 Ki. 5<sup>17</sup> 10<sup>24f</sup>). The classification is foreign to P and by no means covers the sacrifices which that code requires (cf. Dillmann, *Ex.-Lev.*, p. 535; Wellhausen, *Proleg.*, p. 72).

The law against the eating of the blood of beasts slain in sacrifice (v.<sup>10-12</sup>) is an element of the oldest Hebrew legislation (cf. Dt. 12<sup>16</sup>. 23<sup>f</sup>. 15<sup>23</sup> 1 S. 14<sup>33-35</sup>). A law on this subject has been given by P already (Lev. 7<sup>26f</sup>), and, therefore, it is more likely that this law comes from another source. Moreover, P combines it with the prohibition of eating fat, an element which is absent from Lev. 17<sup>10-12</sup>.

The law of v.<sup>13-14</sup> is necessitated by the one which precedes it. After the discussion of the eating of the blood of animals which may be offered in sacrifice, the eating of the blood of non-sacrificial animals follows logically. If the previous enactment is independent of P, this one must be so also.

The law of v.<sup>15-16</sup> is found in the Book of the Covenant and in D. Its standpoint also is somewhat different from that of P. In Lev. 11

P combines with the prohibition of eating carrion the prohibition of touching it, on pain of defilement. This discloses a more punctilious stage of legislation than is seen in Lev. 17<sup>15</sup>; and if the latter were a part of P, we should expect it to be enlarged with the item about touching a carcase. Accordingly, it is evident that, not only in form and diction, but also in contents, the code of Lev. 17 is distinguished from P.

**2. Leviticus 17 has been amplified in the Style of P.**—The following phrases disclose clearly the style of P: **אל פתח אהל מועד** (v.<sup>4</sup>), **ובחי שלמים ליהוה** (v.<sup>5</sup>), the sacrificial formula (v.<sup>6</sup>), the title (v.<sup>16</sup>). All this shows that to assign this chapter as it now stands to H, or to any other source independent of P, is out of the question. For reasons which will appear later in our discussion, H has here been enlarged with priestly elements more extensively than is usual; and the result is that the analysis of this chapter is exceptionally perplexing. In the main critics are agreed in regard to the added P elements, but there are a number of sentences where the linguistic criteria are not so clear but that there is room for a difference of opinion. It is important, however, if possible, that a decision should be reached, for these sentences relate to the place and the nature of sacrifice, and upon the analysis that we make our opinion in regard to the date of the code is largely dependent.

**3. The Law against Sacrifice to Other Gods (v.<sup>8-9</sup>).**—The best starting-point for an analysis of this chapter is found in the recurrent formulæ with which v.<sup>8. 8. 10. 13</sup> begin. These formulæ are characteristic of H; and it is right, therefore, to look for the original kernel of the H legislation in immediate connection with them. Critical investigation must start with the second occurrence of the formula (v.<sup>8</sup>), because the section which it introduces is easier to analyze than the first. When once we have determined exactly what the second law must have been, it is possible to reason back from it to the original form of the first law.

Instead of **יעלה** (v.<sup>8</sup>), it is preferable with LXX, Sam. to read **יעשה**. The technical use of **עשה** for 'sacrifice' is found in H (Lev. 22<sup>23. 24</sup> 23<sup>12</sup>); and in view of **לעשות** in the next verse, this verb seems more natural (Driver, *Leviticus*, p. 30).

The phrase **אל פתח אהל מועד** (v.<sup>9</sup>) is not only peculiar to P (4<sup>4f. 7</sup> 14<sup>28</sup> Nu. 6<sup>13</sup>), but is also suspicious from the fact that it does not harmonize with the general intention of the code. The aim of

the legislation in v.<sup>8-9</sup> is to compel all animals slain for food to be brought to the altar and sacrificed to Yahweh; but the insertion of the **אֹהֶל מוֹעֵד**, the central sanctuary, defeats the purpose of this enactment by making it impossible for it to be carried out. Only where there are altars of Yahweh in various parts of the land, is it possible to give the command to sacrifice every animal that is killed for food.

Moreover, the language of <sup>46</sup>, "Blood shall be imputed to that man, he hath shed blood," shows that the preceding clause, "to the door of the tent of meeting, to offer it an offering unto Yahweh," must be an interpolation. If the purpose of the original legislator had been to conserve the unity of the sanctuary, he would not have said of the offender merely, "he has shed blood," but "he has forsaken the sanctuary," or some equivalent expression. It is only on the supposition that the original law required that slaughtered animals should be sacrificed, without specifying the particular place where sacrifice should be made, that these words of <sup>46</sup> become intelligible. If, then, the phrase is an interpolation in <sup>46</sup>, it is the more likely that it is an interpolation also in v.<sup>9</sup>, and the same reasoning applies to the other occurrences of **אֹהֶל מוֹעֵד** in v.<sup>5-6</sup>.

It is more doubtful whether the clause **וּמִן הַנֶּגֶר אֲשֶׁר יִגֹּר בְּתוֹכָם** (v.<sup>8</sup>) is also to be regarded as an addition by Rp. It is found in P (Ex. 12<sup>49</sup> Lev. 16<sup>29</sup> Nu. 15<sup>26, 29</sup> 19<sup>10</sup>; cf. the similar phrase **כִּי יִגֹּר אֹתָךְ** Ex. 12<sup>48</sup> Nu. 9<sup>14</sup> 15<sup>14, 16</sup>). The extension of legislation to the **נֶגֶר** is characteristic of P; and, for this reason, Kuenen (*Onderzoek*, p. 269) regards this clause as an addition by Rp. The fact, however, that this expression occurs in Lev. 20<sup>2</sup>, a passage whose entire context is unaffected by P, and that Ezekiel uses this expression (14<sup>7</sup>), makes it possible that this phrase has not been added by the priestly editor (so Wellhausen, *Composition*, p. 152; Baentsch, p. 137). However this may be, it is not probable that this phrase stood in the original legislation. It is wanting in v.<sup>3</sup>, and there is no more reason why it should be found here than there. In 22<sup>25</sup> it is forbidden to offer a sacrifice from the hand of a foreigner. If the substance of Lev. 17 belongs to the same document as the substance of Lev. 22, it is unlikely that it permits to a foreigner, who happens to be living in the land, what another part of the code forbids to foreigners in general. Throughout the holiness legislation in general, Israel only is taken into account. The **עַמִּית**, the **רֵעָה**, and the **אִח** always denote Israelites. **אִישׁ**, **אָדָם**, and **נַפֶּשׁ** mean Hebrews. The **נֶגֶר** occurs sporadically in a few places only (see the way in which the law is applied



to the **גַּר**, v.<sup>12</sup>). Consequently, it is likely that this extension of the legislation is a gloss, although probably earlier than the priestly additions.

Omitting, then, these two phrases from the law of v.<sup>8-9</sup>, we have the primitive form of the law, "Any man of the house of Israel, who maketh burnt offering or sacrifice, and bringeth it not to make for Yahweh, that man shall be cut off from his kinsfolk."

**4. The Law against Profane Slaughter (v.<sup>3-7</sup>).**— From the fixed point of the original form of the second law it is possible to reason back with considerable certainty to the original form of the first precept which is introduced with the formula **אִישׁ אִישׁ מִבֵּית יִשְׂרָאֵל**. We have seen already that the **אֹהֶל מוֹעֵד** in v.<sup>4-6</sup> is characteristic of P, and that it is inconsistent with the aim of the older legislation. The same argument would apply to the phrase **לִפְנֵי מִשְׁכַּן יְהוָה**, if it could be shown that in this verse **מִשְׁכַּן יְהוָה** is a designation of the central sanctuary. It is so used by P (Nu. 16<sup>9</sup> 17<sup>28</sup> 19<sup>18</sup> 31<sup>30, 47</sup>), but such use by no means proves that this is its meaning here. The phrase **לִפְנֵי מִשְׁכַּן יְהוָה** is never used by P, and the **מִשְׁכַּן יְהוָה** is tautological alongside of the **אֹהֶל מוֹעֵד**. It is more natural, therefore, with Kayser, Wellhausen, Wurster, Baentsch, to regard this as a relic of the older legislation which has been enlarged in the spirit of P.

If, however, this phrase does not come from P, it must be explained, not by the analogy of P, but of the rest of the holiness-legislation. In itself the expression, "before the dwelling-place of Yahweh," does not imply a central sanctuary; for although **מִשְׁכַּן** is made definite by the genitive of the proper name, "the dwelling-place" does not necessarily mean the central sanctuary, but only the dwelling-place which is appropriate in any given case. To understand it of the central sanctuary is to defeat the main purpose of the law, which is to make every slaughter a sacrifice. It is inconsistent, therefore, when Baentsch rejects the **אֹהֶל מוֹעֵד** as a priestly gloss, which is contrary to the scope of the older legislation, but retains the **מִשְׁכַּן יְהוָה** in precisely the same sense, and draws from it the inference that this chapter was written after the return from Babylon.

The true meaning of **מִשְׁכַּן יְהוָה** is to be learned from Lev. 26<sup>11</sup> **וְנָתַתִּי מִשְׁכְּנִי בְּתוֹכְכֶם**. This does not mean that Yahweh will set up his tabernacle in Israel as a new manifestation of his favor, nor that he will maintain the Mosaic tabernacle which is already in existence; but it signifies simply that he will take up his dwelling in

Israel, will show by outward signs that he is present in the midst of his people. The place where the manifestation of the divine presence is afforded is a **משכן יְהוָה**. From the standpoint of 26<sup>11</sup> the **משכן יְהוָה** is identical with "the place where Yahweh will cause his name to be remembered" (Ex. 20<sup>24</sup>). By this interpretation the legislation becomes intelligible. The writer prescribes that animals shall be slaughtered before the dwelling-place of Yahweh, because every altar in the land was such a **משכן יְהוָה**. He refrains from using the word **בִּמְקוֹשׁ**, which is common in the Holiness-Code, because he does not wish to limit sacrifice to the one or more great central sanctuaries to which this more formal name is applicable.

"In the camp or out of the camp" (v.<sup>3</sup>) corresponds with the situation which P uniformly assumes for his legislation. "To offer it an offering to Yahweh" (v.<sup>4</sup>) is a purely priestly expression (cf. Lev. 1<sup>2</sup> 2<sup>1-4, 12</sup> 27<sup>9, 11</sup> Nu. 9<sup>13</sup>). This phrase is never found in the primitive portions of H nor in Ezekiel. "And they shall bring them to Yahweh to the door of the tent of meeting to the priest" (v.<sup>5</sup>) also belongs unquestionably to P, and, moreover, is seen to be an interpolation by the resumption of the previous **יָבִיאוּ** with **וְהֵבִיאוּ** (Kayser, p. 70); **וּבַח וּבַח** (v.<sup>5</sup>) is not priestly (cf. v.<sup>7</sup>), but the addition of **לַיהוָה שְׁלָמִים** to **וּבָחִים** is characteristic of P (Lev. 3<sup>6</sup> Nu. 6<sup>17</sup>). The other codes and the older histories say either **וּבָחִים** (Ex. 10<sup>28</sup> 18<sup>12</sup> 1 Sam. 6<sup>15</sup> 2 Ki. 5<sup>17</sup> 10<sup>24</sup>), or **שְׁלָמִים** (Ex. 20<sup>24</sup> 32<sup>6</sup> Josh. 8<sup>31</sup> Ju. 20<sup>28</sup> 21<sup>4</sup> 2 Sam. 6<sup>17f.</sup> 24<sup>28</sup> 1 Ki. 3<sup>15</sup> 9<sup>23</sup>), but they do not combine **וּבָחִים** and **שְׁלָמִים**. With the exception of Ex. 24<sup>5</sup>, which is anomalous, **וּבָחִי שְׁלָמִים** occurs only in 1 Sam. 10<sup>8</sup> 11<sup>15</sup>, passages which for independent reasons have long been recognized as part of the framework added by the last compiler or annotator of the book, and 1 Ki. 8<sup>63</sup>, a sentence which is not found in the parallel narrative 2 Chr. 7<sup>5</sup>; also Prov. 7<sup>14</sup>, a late passage.

Verse 6 belongs entirely to P, with the exception of **עַל מִזְבֵּחַ יְהוָה** which is never used by him (against Baentsch, p. 21). For P's use of the sacrificial formula see Lev. 1<sup>5, 9, 11, 12</sup> 3<sup>2, 5</sup> etc. The closing formula of v.<sup>7</sup>, "This shall be a statute forever to them throughout their generations," is also characteristic of P (Ex. 12<sup>17</sup> 27<sup>21</sup> 30<sup>21</sup> Lev. 3<sup>17</sup> 10<sup>9</sup> Nu. 10<sup>8</sup> 18<sup>23</sup>).

After subtracting all the additions of Rp in v.<sup>3-7</sup>, there still remains an important residuum, which, although it is not priestly, is still inconsistent with the legislation of v.<sup>8-9</sup>. It reads thus: "to the end that the children of Israel may bring the sacrifices which they sacrifice in the field . . . and may sacrifice them as sacrifices

. . . upon the altar of Yahweh . . . and may no longer sacrifice their sacrifices to the satyrs after whom they go a whoring." These words have no inner relation to the enactment of v.<sup>ac</sup>, and the reason which they give is incongruous with the one in v.<sup>4</sup>. They are also an anticipation of the prohibition to sacrifice to any other than Yahweh in <sup>ac</sup>. Such an anticipation can hardly have been original; and, besides, the insertion of the phrase, "And thou shalt say unto them," at the beginning of v.<sup>8</sup> shows that some insertion has just been made in the code and that the editor now returns to the original document. The change to the third person plural in this exhortation is also noteworthy.

Both <sup>ab</sup> and <sup>ac</sup> necessitate the assumption that in its primitive form the first law in Lev. 17 contained only the command that every slaughtering should be a sacrifice. On any other supposition we make <sup>ac</sup> identical in contents with <sup>3-7</sup> and fail to take advantage of the indication of the introductory formulæ that these were originally independent laws. Moreover, the motive which these words give is unlike the motive of H. H appeals simply to the fact that the law is the will of Yahweh, "I am Yahweh," but they represent the institution as designed to prevent idolatry. The exhortation is also rhetorically weak after the threat, "Blood shall be imputed to that man," which is implicitly the strongest of motives to obedience, and is, therefore, not to be attributed to the logical and systematic author of H.

This exhortation in regard to satyr-worship, accordingly, must be an addition to the legislation of <sup>ac</sup> and <sup>ac</sup>. It cannot, however, be assigned to P. The expressions **על מזבח יהוה, ובח זבח** (Ex. 20<sup>ac</sup> 21<sup>14</sup> Dt. 12<sup>27</sup> 16<sup>21</sup> 26<sup>4</sup> 27<sup>6</sup> 33<sup>10</sup>), and **זנה אחר** are unknown to P. The **שעירים** also are not found in his legislation. According to Kayser (*JPT.* 1881, p. 545), Wurster (*ZATW.* 1883, p. 19), and Baentsch (p. 16), a further indication of independence of P is found in the phrase **על פני השדה** (v.<sup>8</sup>), which they claim is inconsistent with **מחוץ למחנה** of P in v.<sup>3</sup>, and shows that the writer takes his stand in the land and not in the desert. This argument can hardly be regarded as conclusive, since **על פני השדה** is used for the region outside of the camp (Lev. 14<sup>7-83</sup> Nu. 19<sup>18</sup>). In these cases it is possible that Rp has used older models which he has not entirely adapted to his desert situation. In Lev. 14<sup>3</sup> such an adaptation of older legislation is apparent. All that we can say here is, that the expression seems to accord better with the standpoint of residence in the land of Canaan than of the sojourn in the desert, and in this respect is analogous to the hortatory passages 18<sup>24-30</sup> 20<sup>22-26</sup> 25<sup>18-22</sup> 26.



I conclude, therefore, that v.<sup>5-7</sup> contain a non-priestly addition to the legislation of v.<sup>3f.8f.</sup>, and that the original form of the first law was, "Any man of the house of Israel, who slayeth a steer, or a lamb, or a goat, and hath not brought it before the dwelling-place of Yahweh; blood shall be reckoned to that man, he hath shed blood; and that man shall be cut off from the midst of his kinsfolk." Joining on to this, and in logical continuation of its thought, the second law said, "Any man of the house of Israel who maketh burnt offering or sacrifice, and bringeth it not to make for Yahweh, that man shall be cut off from his kinsfolk."

It thus appears that the original first law of Lev. 17 has undergone two independent amplifications. Both date from a time when the Deuteronomic centralization of worship made it impossible that every slaughtering should be a sacrifice and necessitated that this law should be interpreted differently. The first annotator attempted to do so by understanding שחט in the original law, not of profane slaughter, as was unquestionably its original purport, but of illegal sacrifice. To this law, accordingly, he appended the explanatory comment, "to the end that the children of Israel may bring the sacrifices which they sacrifice upon the face of the field, and may sacrifice them as sacrifices upon the altar of Yahweh, and may no longer sacrifice their sacrifices to the satyrs after whom they go a whoring." This gloss did not remove the difficulty, for it was still plain, that the old law had a wider scope than the comment sought to give it, and the result of the addition was to make this second law a mere repetition of the first.

When Rp took up the code, the indefinite לפני משכן יהוה and אהל מועד must of necessity be defined by the מועד יהוה. Since the old difficulty of the prohibition of profane slaughter still remained only partly concealed, the addition of the אהל מועד made this ten times worse, for now the law prescribed categorically that animals slaughtered for food should be brought to the one central sanctuary. That, of course, was an impossibility, and something that Rp never wished to enact; accordingly he added the clause, "in the camp or out of the camp," and by this simple method made the law refer only to the time of the sojourn in the desert and removed the application to the time of residence in the land. Verse <sup>7b</sup> offers no obstacle to this hypothesis, for to make it refer to all that has preceded it in Lev. 17, as Dillmann does (*Ex.-Lev.*, p. 537), makes P stultify himself, since he elsewhere regularly permits profane slaughter. It can only refer to the previous prohibition of satyr-worship.

It may be remarked incidentally, that the analysis of these verses lends no support to the theory of two independent codes or two recensions of H which have been combined by a redactor (Kayser, *Vorexil. Buch*, p. 70 ; Dillmann, *Ex.-Lev.*, p. 534). On the contrary, the phenomenon which really presents itself is that of successive amplifications of a primitive law designed to meet the wants of different ages.

In the remaining verses of the chapter (<sup>8-16</sup>) the P element is less prominent than in the verses which have just been considered. It adds nothing important to the sense and does not disturb the regular progress of the legislation.

**5. The Law against eating Blood of Domestic Animals (v.<sup>10-12</sup>).**— The original form of the second law of the group (v.<sup>8-9</sup>) has already been discussed. Still following the indication of the introductory formula of H, **אִישׁ אִישׁ מִבֵּית יִשְׂרָאֵל**, we find in <sup>10-12</sup> a third law, that no blood of sacrificed animals is to be eaten. Here there are no traces of Rp, but the words **וּמִן הַנֶּגֶר הַנֶּגֶר בְּתוֹכָם** are probably to be assigned to the early annotator (cf. note on v.<sup>8</sup>). The reason annexed to the law v.<sup>11</sup>, no doubt, comes from the same hand. Theological reasons of this sort are foreign to the spirit of H. Its fundamental proposition is, that the expressed will of Yahweh is the sole ground of obligation. Moreover, the use of the phrase, "therefore I said," (v.<sup>12</sup>) seems more naturally to indicate that the writer is commenting on an older document than that he himself is originating the legislation. The expression **עַל הַמִּזְבֵּחַ** seems to indicate the same author who wrote the comment to the first law (v.<sup>6</sup>) **עַל מִזְבֵּחַ יְהוָה**. The spirit of the amplification also is identical. It indicates a time when ordinances were observed, neither because they were traditional practice, nor because a ritual tendency was dominant, but because men felt that they could be justified by theoretical reasons.

**6. The Law against eating Blood of Wild Animals (v.<sup>13f</sup>).**— The reasons given in the last paragraph for regarding v.<sup>11-12</sup> as a gloss apply also to v.<sup>14</sup>, which gives a motive for the law in v.<sup>13</sup>. Though it is a gloss on the original code, it antedates the priestly recension.

**7. The Law against eating Carrion (v.<sup>15f</sup>).**— To the four original laws which we have found thus far we must add the law against the eating of **נֶבֶלָה** and **טֶרֶפָה** (v.<sup>15f</sup>), in spite of the fact that this law does not begin with the regular formula which introduces the other laws. This precept is not a subdivision of the law in regard to the



pouring out of the blood of clean beasts taken in hunting (Wellhausen, Dillmann, Driver), for it includes also *domestic* animals. We must, accordingly, regard it as an independent fifth law of the group on sacrifice and slaughter. According to Kayser this law must be considered "als ein Zusatz des Sammlers (P)," and in this view Kayser is followed by Horst (*Lev. 17-26 u. Hesekiel*, p. 17) and Baentsch (p. 14); but, as already observed, vs.<sup>15-16</sup> do not correspond strictly with the standpoint of P, since the *touching* of carrion is not forbidden. The appropriateness of this precept in the midst of the Holiness-legislation is attested by Ex. 22<sup>30</sup> and Deut. 14<sup>21</sup>, in both of which passages it is viewed from the standpoint of holiness. Legislation in regard to נבלה and טרפה is found also in H (Lev. 22<sup>8</sup>). Accordingly, it is more probable that an original law of H has here been worked over in the spirit of P than that <sup>15f.</sup> is a pure interpolation of P.

The phrase באורח ובנר comes presumably from P (Lev. 16<sup>29</sup> Nu. 15<sup>30</sup>), so also the purificatory rites <sup>15f.</sup>, "He shall wash his garments and bathe with water and be unclean until the evening: then shall he be clean; but if he wash them not nor bathe his flesh—" (cf. Lev. 11<sup>25, 28, 32, 39</sup> 13<sup>6, 34</sup> 14<sup>8, 9</sup> 15<sup>5, 11, 13, 27</sup> Nu. 19<sup>7, 10, 19</sup>). In the Book of the Covenant (Ex. 22<sup>30</sup>) and in Deut. 14<sup>21</sup> the eating of carrion is forbidden without any qualification such as we find here; and since this chapter stands elsewhere upon the same plane of legislation as the older codes, it is probable, apart from the linguistic indications, that the eating of this sort of food was not permitted originally even with restrictions.

Lev. 17, accordingly, contains an original pentad of laws of H. It is well known that the formula אנני ידורה with or without additions serves to mark the subdivisions of the legislation of H: see Lev. 11<sup>44</sup> 18<sup>4, 30</sup> 19<sup>3</sup> (=19<sup>30</sup> and 26<sup>3</sup>) 19<sup>12, 14, 16, 18, 25, 28, 31, 34, 37</sup> 21<sup>8, 12, 15, 23</sup> 22<sup>8, 16, 30</sup> 23<sup>43</sup> 24<sup>22</sup> 25<sup>17, 38, 55</sup> Nu. 15<sup>41</sup>. In all these cases אנני ידורה stands at the end of a group of closely related laws, and indicates that a section of H is finished. Furthermore, it was observed by Bertheau (*Lev. 17-20*, p. 197 ff.) and Bunsen (9 *Halbb.*, p. 245 f.), and exhibited with more accuracy by Ewald (*Gesch.*, II., p. 212 f.) and Dillmann (*Ex.-Lev.*, p. 550), that in a large number of cases the formula closes a *pentad* of laws. This discovery has frequently been called in question by recent critics, but, as it seems to me, with singular lack of insight. In a number of groups the fivefold arrangement is obvious on the surface, and in others, which have been somewhat obscured by later additions, it is probable. As clear specimens of the pentad form the

following passages may be cited: Lev. 18<sup>3a, 3b, 3c, 4a, 4b</sup> 19<sup>13a, 13b, 13c, 14a, 14b</sup>  
 19<sup>13a, 13b, 13c, # 16a, 16b</sup> 19<sup>17a, 17b, 18a, 18b, 18c</sup> 19<sup>23b, 26c, 27, 28a, 28b</sup> 21<sup>10a, 10b, 11a, 11b, 12</sup>  
 21<sup>13, 14a, † 14b, 14c, 15</sup> 25<sup>35a, 35b, 36, 37a, 37b</sup> 26<sup>1a, 1b, 1c, 2a, 2b</sup>.

The original closing subscription **אני יהוה** of the pentad of laws in Lev. 17 is found in 18<sup>2b</sup>, from which it has been separated by the clumsy interpolation of the priestly title 18<sup>1f</sup>. That this pentad stood originally in its present place at the head of the Holiness-legislation is probable from the analogy of the Book of the Covenant and the Deuteronomic code, which also begin with laws on the subject of sacrifice (Ex. 20<sup>22-26</sup> Dt. 12: cf. Wellhausen, *Comp.*, p. 153).

**8. Laws in Regard to Allegiance to Yahweh (18<sup>3-5</sup>).** — This little group of laws has preserved almost entirely the original simplicity and brevity of H. The passage is commonly assigned to the redactor, but this opinion rests on no good ground. The point where the redactor comes in is clearly marked in v.<sup>5</sup>. This verse is a verbal repetition in inverted order of the commands of v.<sup>4</sup>, and, therefore, cannot be original. The view that it is an extract from a parallel code, and so is a "doublet" to v.<sup>4</sup>, has nothing to commend it. There are no other signs of this hypothetical doublet in Lev. 18, and it is, to say the least, improbable that the editor should have taken the trouble to cut out from another code an extract which was precisely identical in contents with what he had just given. It is more likely that it is an addition by the same hand which annexed the reasons in Lev. 17. He wished to add the exhortation, "Which if a man do he shall live by them" (cf. Ex. 20<sup>12</sup> Dt. 4<sup>1</sup>), and in so doing took occasion to emphasize the words of v.<sup>4</sup> by repeating them in a different order. The spirit of the addition is similar to the exhortation in Lev. 17, for it looks at the human rather than the divine side of the law.

With this exception, there is no reason to doubt that this paragraph belongs to the primitive H. It contains the characteristic phrases **שמר ועשה, חקת ומשפטים, הלך בחקת**. God is introduced speaking in the first person. It contains five laws which are arranged in fine logical order. The first is against the social usages of Egypt; the second, against the social usages of Canaan; the third, against the religious practices of both peoples; the fourth is a command to obey the civil ordinances (**משפטים**) of Yahweh; the fifth, to observe his religious ordinances. This summing up of the law of God under the head of **משפטים** and **חקת** corresponds to the two main divisions

\* 15d gloss repeating 15a.

† Widow or divorced.

of the code 17-20, 21-25 (cf. Ex. 21<sup>1</sup>). Israel is represented as having just come out of Egypt and as about to enter Canaan. This corresponds with the historical situation of the code proper over against the hortatory passages (see 19<sup>23</sup> 23<sup>10</sup> 25<sup>2</sup>). The group is closed <sup>25</sup> with the primitive formula of H, "I am Yahweh."

Accordingly, the current opinion, that 18<sup>2-5</sup> forms a sort of special introduction to 18<sup>6-23</sup>, just as v.<sup>24-30</sup> forms its conclusion, rests on no good grounds. Even the modified view of Baentsch, that these verses are drawn from an older source but are meant to serve as an introduction, is impossible, because the general prohibition of conforming to heathen civil and religious practices has no special applicability to the code against sexual impurity which follows. These are rather fundamental enactments on which the rest of the legislation depends. It is contrary to the analogy of the rest of H, of the Book of the Covenant, of the Little Book of the Covenant, and of the primitive Deuteronomy to insert hortatory passages at the *beginning* of a group of laws. Accordingly, 18<sup>3f</sup> is not exhortation, but legislation.

That this pentad unites with the one in Lev. 17 to form the original opening decad of the code is, in my opinion, also incontestable. Laws in regard to the attitude which is to be maintained toward Yahweh in contrast to the neighboring heathen nations are fundamental in their character and stand naturally at the beginning of a system of legislation. In the original first decad of the Book of the Covenant, which has been preserved in part both in Ex. 20<sup>22-26</sup> and Ex. 34<sup>12-16</sup> (see my article on "The Original Form of the Book of the Covenant," in the JOURNAL OF BIBLICAL LITERATURE, 1893, pp. 79-93), the prohibition of heathen usages is combined with laws in regard to sacrifice in the same way in which it is here. In Dt. 12 also, which is the beginning of the Deuteronomic code proper, the same combination is found, and in the same order (Dt. 12<sup>29-32</sup>). It is clear, therefore, that the present position of 18<sup>3f</sup> is original and is not due to a chance juxtaposition of two unrelated pentads of H.

I pause here to exhibit in optical form the results of our critical study of this first group of laws. Original legislation of H is printed in ordinary type, hortatory additions of a non-priestly character are indicated by ordinary italics, priestly additions are marked by small italics. The separation of the legislation into its individual laws and the grouping in pentads is also exhibited.

GROUP I. FUNDAMENTAL LAWS OF RELIGION (LEV. 17<sup>1</sup>-18<sup>6</sup>).a. Slaughter and Sacrifice (17<sup>1</sup>-18<sup>2</sup>).

*And Yahweh spake unto Moses, saying, Speak unto Aaron, and unto his sons, and unto all the sons of Israel, and say unto them: This is the thing which Yahweh hath commanded, saying,*

1. Any man of the house of Israel, who slayeth a steer, or a lamb, or a goat *in the camp, or who slayeth it outside of the camp*, and hath not brought it *unto the door of the tent of meeting, to offer it an offering unto Yahweh* before the dwelling place of Yahweh; blood shall be reckoned to that man; he hath shed blood; and that man shall be cut off from the midst of his kinsfolk; *in order that the children of Israel may bring their sacrifices which they sacrifice upon the face of the field, and shall bring them unto Yahweh unto the door of the tent of meeting unto the priest, and may sacrifice them as sacrifices of peace-offering unto Yahweh; and the priest shall sprinkle the blood upon the altar of Yahweh at the door of the tent of meeting and shall burn the fat as a sweet savour unto Yahweh, and may no longer sacrifice their sacrifices unto the satyrs after whom they go a whoring. A statute forever shall this be unto them throughout their generations. And unto them thou shalt say,*
2. Any man of the house of Israel *and of the aliens who sojourn in their midst* who maketh burnt offerings or sacrifice, and *unto the door of the tent of meeting* bringeth it not to make for Yahweh; that man shall be cut off from his kinsfolk.
3. Any man of the house of Israel *and of the aliens sojourning in their midst*, who eateth any blood; I will set my face against the soul that eateth blood, and I will cut it off from the midst of its kinsfolk, *for the soul of the flesh is in the blood; and I have given it to you upon the altar to make atonement for your souls, for it is the blood that maketh atonement by means of the soul, therefore, I said to the children of Israel, No soul of you shall eat blood, and the alien sojourning in your midst shall not eat blood.*
4. Any man of the house of Israel *and of the aliens sojourning in their midst*, who hunteth game of beast or of bird which is eaten; he shall pour out its blood and cover it with dust, *for the soul of all flesh is its blood with the soul, and I said unto the children of Israel, Ye shall not eat the blood of any flesh, for the soul of all flesh is its blood.* Every one that eateth it shall be cut off.

5. *And every soul who eateth that which is fallen or torn among the homeborn and among the aliens, shall wash his garments and bathe with water and be unclean until the evening: then shall he be clean. But if he wash them not nor bathe his flesh, he shall bear his iniquity. And Yahweh spake unto Moses, saying, Speak unto the children of Israel and say unto them, I AM YAHWEH, your God.*

**b. Allegiance to Yahweh (Lev. 18<sup>3-5</sup>).**

6. According to the doing of the land of Egypt, where ye dwelt, ye shall not do: *and*  
 7. According to the doing of the land of Canaan, whither I bring you, ye shall not do: *and*  
 8. In their statutes ye shall not walk.  
 9. My judgments ye shall do; *and*  
 10. My statutes ye shall observe to walk in them: *I am Yahweh your God, and ye shall observe my statutes and my judgments, which if a man do he shall live by them: I AM YAHWEH.*

**II. THE LAWS OF CHASTITY (LEV. 18<sup>6-30</sup>).**

The division of Lev. 18 at the fifteenth verse is not generally recognized, nevertheless it is the logical point of separation of the contents. Up to v.<sup>15</sup> all of the laws refer to closer degrees of kinship through parents or, looked at from the other side, through children. With v.<sup>16</sup> a new set of laws begins, referring to remoter degrees of kinship through a brother's wife, etc. The laws are all addressed to the man; that is, the responsibility of abstaining from incestuous relations is put upon him rather than upon the woman. It is important for the interpretation of the group to note this fact. Thus in v.<sup>7</sup> **אִם אֲבִיךָ וְעֵרֹת אִמְךָ** seems not to mean "the nakedness of thy father and the nakedness of thy mother," as if the daughter were addressed as well as the son, but, "the nakedness of thy father, that is, the nakedness of thy mother" (cf. v.<sup>14</sup>).

That this group 18<sup>6-15</sup> belongs to H is generally recognized. It is introduced by the characteristic formula **אִישׁ אִישׁ** (v.<sup>6</sup>). The characteristic word **שָׂאֵר** for 'near kin' occurs in v.<sup>6, 12, 13</sup> (cf. 20<sup>19</sup> 21<sup>2</sup> 25<sup>49</sup>); **נָלֵה עֵרֹוה** occurs in every verse (cf. 20<sup>11, 17-21</sup>). There are no traces of P or of any other editorial hand. The brevity of the precepts and the logical development of the thought indicate that here we have an original portion of H.

The only question which can arise in regard to its integrity is, whether all that stood originally in H has been preserved. At first glance it is surprising, after marriage with a mother or step-mother is forbidden, that marriage with a daughter is not also forbidden. It has seemed to many critics that such a prohibition could not have been lacking, and that, therefore, it must have fallen out of the text (Dillmann *Ex.-Lev.*, p. 543). The explanation of Keil, that the crime of intercourse with a daughter is so heinous that it was not necessary to include it in the code does not hold, for it is no more abhorrent than the other crime, which is explicitly mentioned, of intercourse with one's mother. The true explanation is, that this offence is included in the prohibition of v.<sup>17</sup>, "Thou shalt not uncover the nakedness of a woman and her daughter."

That marriage with an aunt is forbidden v.<sup>12c</sup>, but that marriage with a niece is not forbidden, is also not due to accidental omission. Such a prohibition would not come under the point of view of this group, which traces relationship through parents or children. An aunt is related to a man through his father or his mother, but a niece is related through his brother or sister and, consequently, her case could not be inserted in this connection. Marriage with a niece was, no doubt, permitted, for in this case there is no conflict between the dignity belonging to the man as husband and the dignity belonging to his wife as a member of a previous generation. For a similar reason marriage with a mother's brother's wife is not mentioned, being permitted, although marriage with a father's brother's wife is forbidden (v.<sup>14</sup> cf. Dillmann, *Ex.-Lev.*, p. 543).

Verse <sup>11</sup> seems to be a mere repetition of v.<sup>9</sup>, inasmuch as it refers to a half-sister on the father's side. Knobel's conjecture that "the wife of thy father" may mean "thy own mother," and that this law covers the case of the own sister, which was not expressly mentioned in v.<sup>9</sup>, is not tenable, for "wife of thy father," according to v.<sup>8</sup> and regular linguistic usage, means only "step-mother"; and, besides, if this law were meant to refer to the case of an own sister, it must have stood before v.<sup>9</sup> to have preserved the logical order of the code.

Originally this law must have been intended to prohibit marriage with a step-sister, which is not forbidden elsewhere, but which must have been included in the legislation. אחותך בת אבך is best understood as a sister with the same father, אחותך בת אמך as a step-sister with the same mother, and בת אשת אבך as a daughter of another wife of one's father.



Accordingly, the parenthetical clause **מולדת (מולדת?) אבך** must either be rejected as an inaccurate gloss, or else, with Dillmann, we must translate the verse, "The nakedness of thy father's wife's daughter (she is the same as one begotten by thy father, thy sister) thou shalt not uncover her nakedness." This is a difficult and abnormal construction. Perhaps it is best to regard the parenthesis as the gloss of some scribe, who failed to understand the parenthesis **אחותך בת אבך** (v.<sup>9</sup>) as the own sister. Apart from this one clause no textual emendation can be suggested in this group, so that there is no reason to doubt that here H has been preserved intact.

This group forms a perfect decad (against Baentsch, p. 25), which divides logically into pentads. The first pentad begins with the inclusive law v.<sup>6</sup>, "No man shall draw near to any near kin of his flesh to uncover the nakedness." This is in accord with the regular method of H to lay down first a general proposition and then define the cases under it (cf. 19<sup>18-17</sup> 21<sup>1-17</sup> 22<sup>2-10-18</sup> 25<sup>23-30</sup>). Baentsch, strange to say, gives this verse to the redactor and calls it a "general superscription." His main reason is the change of persons, but this does not signify anything, for in the compact and logical groups of Lev. 19, which are most clearly in their original form, changes of person also occur. His other reason, the presence of the formula "I am Yahweh," fails also to prove that this verse has been inserted, for even granting that "I am Yahweh" is a redactional addition, as seems probable, since it does not close a group, it does not show that the law which precedes it is redactional. Verse <sup>6</sup>, accordingly, must be regarded as a general law which originally stood at the head of the group. It is followed (2) by the case of mother, (3) step-mother, (4) sister (own or half), (5) grand-daughter. This exhausts relationships of the immediate family or, as we may call them, kinships of the first degree.

The second pentad (11-15) treats still of relationships through parents or children, but these are all kinships of the second degree. It includes (6) step-sister, (7) aunt on the father's side, (8) aunt on the mother's side, (9) uncle's wife, (10) daughter-in-law. It is worthy of note that both pentads are closed with laws in which the relationship is traced through the children.

Verses <sup>16-28</sup> relate to purity in remoter relationships. The stylistic indications of H are even more numerous here than in the previous section. Besides **נלה ערוה** (18<sup>6-19</sup> every verse: 20<sup>11-17-18-19-20-21</sup>), we find **ומה** v.<sup>17</sup> (cf. 19<sup>20</sup> 20<sup>14</sup>), **עמית** v.<sup>20</sup> (cf. 19<sup>11-15-17</sup> 24<sup>19</sup> 25<sup>14-15-17</sup>),

נתן שכבתך v.<sup>20.23</sup> (cf. 20<sup>15</sup>), לטמאה v.<sup>20.23</sup> (cf. 19<sup>31</sup> 22<sup>8</sup>), רבע v.<sup>23</sup> (cf. 19<sup>19</sup> 20<sup>16</sup>), תבל v.<sup>23</sup> (cf. 20<sup>12</sup>).

The text of this group of laws seems to be substantially correct. In v.<sup>17</sup>, instead of the ἀπαξ λεγόμενον שְׂאֲרָה it is better to read with the LXX שְׂאֲרָךְ, as in v.<sup>12.13</sup>. In v.<sup>23</sup> the simple infinitive רִבְעָה is more probable than the form with the suffix רִבְעָה, which construes רבע as a transitive verb (Driver, *Leviticus*, p. 30). No omissions from the text can be pointed out. The absence of a prohibition of marriage of cousins is not accidental, but intentional. The only question, then, is: Are there interpolations in the text? Kalisch holds that v.<sup>18</sup> is in conflict with v.<sup>16</sup>, since it permits marriage with a deceased wife's sister, while v.<sup>16</sup> does not permit marriage with the wife of a deceased brother. The objection is not valid, for, as we saw in the case of the non-prohibition of marriage with a mother's brother's wife, relationship on the female side is not regarded as so close as relationship on the male side.

According to Ewald (*Gesch.*, II., p. 235) v.<sup>20</sup> is not appropriate in this context. Why he comes to this conclusion is difficult to see. Adultery certainly has a place in a code against sexual impurity, and is in a natural place between the law against improper intercourse with a wife and the law against unnatural vice. All the other commandments of the Decalogue are repeated in H, but the prohibition of adultery is wanting from the code, if it is cut out here. So far as I am aware no other critic has followed Ewald in this opinion.

Verse<sup>21</sup> is rejected as a gloss by nearly all critics. It is supposed to refer to the sacrifice of children to Molech, and this subject is irrelevant to the context, which treats solely of sexual purity. Baentsch (p. 25) supposes this verse to have been inserted by the hortatory editor on account of the accompanying exhortation, "That thou profane not the name of thy God, I am Yahweh"; but not another case can be pointed out in the code where the hortatory editor has added *legislation*. Moreover, the hortatory passage or doublet, whichever one chooses to regard it, 20<sup>2</sup>, contains this law also. Since Lev. 20 contains no legislation which does not stand in the preceding section of H, this is strong *prima facie* evidence of the primitiveness of this law. Moreover, it exhibits the characteristic brevity of H, and for these reasons it seems proper to raise the question whether, as has always been supposed, נתן מורעך really means 'sacrifice thy children in the fire to Molech.' The full expression for this rite is העביר את בנו באש למלך (2 Ki. 23<sup>10</sup>). This is shortened into העביר את בנו באש (Dt. 18<sup>10</sup> 2 Ki. 16<sup>3</sup> 17<sup>17</sup> 21<sup>6</sup> Ez. 20<sup>31</sup> 2 Chr. 28<sup>3</sup> 33<sup>6</sup>), or

העביר זרע למלך (Jer. 32<sup>30</sup>), but העביר זרע למלך never occurs in this meaning, and in this passage we have the unique formula מורעך (partitive) with נתן in connection with העביר, and באש is omitted both here and in 20<sup>22</sup>. This seems to indicate that the act here referred to is not the sacrifice of children, but a literal offering of seed in some form or other to the deity. How this offering was made we have no means of judging, nor have we any historical information in regard to such a practice in the worship of Molech; still, our ignorance constitutes no valid objection to this interpretation. On this view the verse is in its right place in this context, between adultery and sodomy, since it refers to some form of unnatural lust.

Dillmann's theory that the insertion of the law at this point is due to v.<sup>21-23</sup> being drawn from a J recension of H, while the preceding verses come from a P recension of H, is destitute of foundation. The hortatory passage <sup>24-30</sup> has, it is true, affinities with J, but it is secondary and is no more closely connected with v.<sup>21-23</sup> than with all the rest of the chapter.

Verses <sup>24-30</sup> are a purely hortatory passage, which shows that it is secondary by its different historical standpoint from H, by its diffuse and repetitious style, by its representation of the heathen as vomited out by the land, and by its linguistic affinities with the J document. In the original H (18<sup>4</sup>) we read, "My judgments shall ye do and my statutes shall ye keep," which corresponds with the grouping of material in the code, but the hortatory addition of v.<sup>5</sup> inverts the order and says, "Ye shall keep my statutes and my judgments." This is the form which occurs in v.<sup>26</sup>, and it is peculiar to the hortatory passages (cf. 19<sup>37</sup> 20<sup>22</sup> 25<sup>18</sup>).

This exhortation appeals to the reason in the same way as those which were added to Lev. 17. Instead of making the law derive all its validity from the fact that it expresses the will of Yahweh, as in the primitive H, it introduces other reasons of a theological character. The polemic against heathenism also is similar to that in 17<sup>5-7</sup>. It is probable, therefore, that this exhortation comes from the same hand as the non-priestly addition to Lev. 17 and 18<sup>3</sup>.

It is not surprising, accordingly, that in v.<sup>29</sup> we meet a phrase of the legislation of Lev. 17, "The souls that do them shall be cut off from the midst of their kinsfolk." There is not the slightest reason to think with Baentsch (p. 26) that this verse is a later interpolation in the exhortation, designed to assimilate the code in Lev. 18 more completely with the code in Lev. 17. It is the fashion of the hortatory editor to string together phrases of the older legislation without regard

to logical sequence of thought (cf. 20<sup>5-5, 22-26</sup>), so that breaks in the sense furnish in his case no evidence of interpolation. The use of the third person in this verse is also no evidence of interpolation, for the exhorter changes freely from one person to another. In Lev. 17<sup>5-7</sup> he uses the third person; in 17<sup>11f. 14</sup> he uses the second person. The only probable addition to this passage is the phrase, "the homeborn and the alien sojourning in your midst," which both interrupts the structure of the sentence and is characteristically priestly.

Verses 24-30, being a hortatory interpolation, the formula "I am Yahweh!" at the end of v. 30 belongs in immediate connection with v. 23 and marks the close of this group of laws.

The title at the head of Lev. 19 obviously comes from the hand of Rp. The words which follow it, "Ye shall be holy, for I Yahweh your God am holy," have always been regarded as the first commandment of a new group of laws, but this is contrary to the analogy of the code, for elsewhere this phrase is part of the exhortations which stand at the end of the groups (cf. Lev. 11<sup>44f.</sup> 20<sup>26</sup> 21<sup>8</sup> 22<sup>32f.</sup> Nu. 15<sup>40f.</sup>). Accordingly, before the code came into the hands of Rp, the conclusion of the legislation on purity must have read, "I am Yahweh your God: ye shall be holy, for I Yahweh your God am holy."

I now sum up the results of the analysis of the purity laws of Lev. 18 in a translation which exhibits the original structure and the later additions to the code.

## GROUP II. PURITY IN THOSE RELATED THROUGH PARENTS AND CHILDREN.

### a. Kinship of the First Degree (18<sup>6-10</sup>).

1. Ye shall not draw near any man to any one that is near of kin to uncover the nakedness: *I am Yahweh.*
2. The nakedness of thy father, that is, the nakedness of thy mother, thou shalt not uncover: it is thy mother; thou shalt not uncover her nakedness.
3. The nakedness of the wife of thy father thou shalt not uncover; the nakedness of thy father is it.
4. The nakedness of thy sister, the daughter of thy father or the daughter of thy mother, one begotten at home or begotten abroad, thou shalt not uncover their nakedness.
5. The nakedness of the daughter of thy son or the daughter of thy daughter, thou shalt not uncover their nakedness; for they are thy nakedness.

**b. Kinship of the Second Degree (11-15).**

6. The nakedness of the daughter of the wife of thy father (*she is the same as one begotten of thy father, thy sister*) thou shalt not uncover her nakedness.
7. The nakedness of the sister of thy father thou shalt not uncover : she is the near kin of thy father.
8. The nakedness of the sister of thy mother thou shalt not uncover : for she is the near kin of thy mother.
9. The nakedness of the brother of thy father thou shalt not uncover, to his wife thou shalt not draw near ; thy father's sister is she.
10. The nakedness of thy daughter-in-law thou shalt not uncover ; the wife of thy son is she, thou shalt not uncover her nakedness.

**GROUP III. PURITY IN REMOTER RELATIONSHIPS.**

**a. Relationships through Marriage (16-19).**

1. The nakedness of the wife of thy brother thou shalt not uncover ; the nakedness of thy brother is it.
2. The nakedness of a woman and of her daughter thou shalt not uncover.
3. The daughter of her son, and the daughter of her daughter, thou shalt not take to uncover their nakedness : they are near kin : it is lewdness : *and*
4. A woman thou shalt not take along with her sister, as a second wife, to uncover her nakedness beside her in her lifetime : *and*
5. Unto a woman in the defilement of her uncleanness thou shalt not draw near to uncover her nakedness : *and*

**b. Purity Outside of the Family (20-23).**

6. Unto the wife of thy neighbour thou shalt not give thy issue of seed for defilement with her : *and*
7. Thou shalt not give of thy seed to let it pass to Molech, *that thou profane not the name of thy God : I am Yahweh.*
8. With a male thou shalt not lie as one lies with a woman : it is abomination : *and*
9. Into any beast thou shalt not give thy issue for defilement with it : *and*

10. A woman shall not stand before a beast to gender: it is confusion. *Defile not yourselves in all these things, for in all these things the nations were defiled which I cast out before you; and the land was defiled, and I visited its iniquity upon it, and the land vomited out its inhabitants: and ye shall observe my statutes and my judgments, and ye shall not do any of these abominations, the homeborn and the alien sojourning in your midst, for all these abominations the men of the land did who were before you, and the land was defiled: lest the land vomit you out when ye defile it, as it vomited out the nation which was before you; for every one who doeth any of these abominations, even the souls which do them shall be cut off from the midst of their kinsfolk. And ye shall observe my charge so as not to do any of these statutes of abominations which were done before you, and ye shall not defile yourselves in them: I AM YAHWEH, your God. And Yahweh spake unto Moses, saying, Speak unto all the congregation of the sons of Israel and say unto them, Ye shall be holy, for I Yahweh your God am holy.*

### III. LEGISLATION PARALLEL TO THE DECALOGUE (LEV. 19<sup>3-18</sup>).

The legislation which stands in Lev. 19<sup>3-18</sup> bears numerous signs of having been drawn from H. Besides the formula, "I am Yahweh" (v. 3. 4. 10. 12. 14. 16. 18), we meet the characteristic words תִּירָאוּ (19<sup>3</sup>. 14. 30. 32. 25<sup>17</sup>. 36. 43. 26<sup>2</sup>), שִׁבְתִּי (19<sup>3</sup>. 30. 26<sup>2</sup>. 34<sup>f</sup>.) אֵל (19<sup>4</sup>. 31. 20<sup>6</sup> 26<sup>9</sup>), עֲוֹנוֹ יִשָּׂא (v. 7), פְּגוּל (19<sup>5</sup> 17<sup>5-7</sup> 22<sup>29</sup>), תִּזְכְּרוּ וְכַח (19<sup>4</sup> 26<sup>1</sup>), אֱלֹהִים (19<sup>8</sup> 17<sup>16</sup> 20<sup>17</sup>), אֶת קֹדֶשׁ יְהוָה חָלַל (19<sup>8</sup> 22<sup>15</sup> cf. 18<sup>21</sup> 19<sup>12</sup> 21<sup>6</sup> 20<sup>8</sup> 22<sup>2</sup>. 32. 19<sup>29</sup> 21<sup>4</sup>. 9. 21<sup>15</sup> 22<sup>9</sup>), אֶרְצְכֶם (19<sup>9</sup>. 23. 29. 18<sup>25</sup> 20<sup>23</sup> 23<sup>22</sup> 25<sup>2</sup>), עֲמִית (19<sup>11</sup>. 15. 17. 18<sup>20</sup> 24<sup>19</sup> 25<sup>14</sup> twice), וְחָלַלְתָּ אֶת שֵׁם אֱלֹהֶיךָ (19<sup>12</sup> 18<sup>21</sup> 21<sup>6</sup>), רֵעֶךָ (19<sup>13</sup>. 16. 18), תִּקְלַל (19<sup>14</sup> 20<sup>9</sup> 24<sup>15</sup>), וִירָאתָ מֵאֱלֹהֶיךָ (19<sup>14</sup>. 32. 25<sup>17</sup>. 36. 43), עוֹל (19<sup>15</sup>. 35), אֶחָיִךְ (19<sup>17</sup> 25<sup>25</sup>. 35. 36. 39. 47), תִּשָּׂא חַטָּא (19<sup>17</sup> 20<sup>20</sup> 22<sup>9</sup> 24<sup>15</sup>), חֻקֵּי תִשְׁמְרוּ (19<sup>19</sup>. 37. 18<sup>4</sup>. 26. 20<sup>8</sup>. 22. 25<sup>18</sup> 26<sup>3</sup>).

1. Lev. 19<sup>5-8</sup> is not in its Original Place. — In spite of the fact that all the laws of this section belong to H, it is clear that part of them are not in their primitive connection. Verses 5-8 are purely ceremonial and have nothing to do with the moral and social regulations among which they stand. An abbreviated form of this same legislation is found in 22<sup>29f</sup>. at the end of the code on sacrifices, and here it is in its proper context. Verses 9-10 are parallel to 23<sup>22</sup> and are

obviously in their right place in the latter connection between the two harvest-festivals (cf. 23<sup>10, 30</sup>); v.<sup>3f.</sup> and 11-18 are parallel to the Decalogue of Ex. 20 and Dt. 5; Lev. 18 is an expansion of the seventh Word, which is put first, presumably because of the greater space allotted to it; v.<sup>3f.</sup> contains the first, second, fourth, and fifth commandments in inverted order; v.<sup>11f.</sup> is an expansion of the eighth commandment, 13-16 of the ninth, and 17f. of the tenth. It cannot be doubted, therefore, that it was the intention of the original H to follow the order of thought of the Decalogue. This unity of plan is destroyed by the insertion of v.<sup>5-10</sup>.

In view of these facts it is surprising that so many critics retain these verses in their present context. Graf pronounces 23<sup>22</sup> a gloss derived from this passage, whereas it is evident on the face that the relation is exactly the reverse. Ewald (*Gesch.*, II., p. 234) cuts out only 5-8, although 9f. is quite as glaringly inappropriate in the midst of these מִשְׁפָּטִים. Wellhausen (*Composition*, p. 155 f.) joins 5-8 with 9f. as an analogue to the first table of the Decalogue, and 9f. to 11-18 as an analogue to the second table. Dillmann retains these verses in their present connection in order to find in them a support for his theory of a J recension of H over against a P recension, and supposes that a whole set of laws in regard to the feasts originally followed 9f., but has been omitted by the redactor. This conjecture has no foundation. These verses are so inconsistent with their context, that one cannot suppose them to have stood in their present position in any formal recension of H, least of all in the original H. H treats its material in too systematic a way to believe that it inserted these laws. They can only be the gloss of an editor or scribe who found these unrelated laws and inserted them here without knowing that they occurred at a later point of the code. There are several cases of this sort in Lev. 17-26, and, if the doublets were in an equally logical connection in both passages, the hypothesis of two recensions would be tenable; but when we find that in one place the legislation is orderly, while in the other the doublet disturbs the order, the only possible conclusion is that the latter is a gloss based upon the former.

**2. Leviticus 19<sup>3</sup> is to be supplemented by 26<sup>1f.</sup>.**—The order of the laws in 19<sup>3f.</sup> is in part the reverse of that which is found in the Decalogue (Ex. 20<sup>2-17</sup> Dt. 5<sup>6-21</sup>), while in 19<sup>11-18</sup> the order of the Decalogue is followed. The change weakens the development of thought and can hardly be original. Fortunately we are in the position to restore the primitive form of the code. As observed by Ewald



(*Gesch.*, II., p. 234), 26<sup>1f</sup> is a doublet to 19<sup>3f</sup>. It is obviously a gloss in its present position among the cultus-regulations, between the laws in regard to the redemption of slaves and the hortatory conclusion of the code; nevertheless, it is a gloss which has been drawn from H in its primitive form (cf. תִּירָאוּ, מִקֹּדֶשִׁי, שְׁבַתְתִּי, אֱלֹהִים, and the concluding formula). While 19<sup>3f</sup> is in the right place in the code, 26<sup>1f</sup> exhibits the more primitive form, as a comparison of the passages at once shows.

The order of the commandments in 26<sup>1f</sup> is, (1) apostasy, (2) image-worship, (3) use of idolatrous symbols, (4) sabbath, (5) sanctuary; which is perfectly logical, conforms to the order of the Decalogue, and forms a pentad complete in itself and closed with the original formula of H, "I am Yahweh." In 19<sup>3f</sup> the order is (1) parents, (2) sabbaths, (3) apostasy, (4) image-worship; which is less natural and does not conform to the order of the Decalogue found elsewhere in this chapter; inasmuch as it brings the commands to honor mother and father in a group which relates to worship, and discusses the particulars of worship before the general principle that Yahweh alone is to be worshipped. Moreover, the prohibition of molten gods (19<sup>4</sup>) is not so original as the general prohibition of images (26<sup>1</sup>), which, like the second commandment of the Decalogue, is aimed at perversions within the worship of Yahweh himself. Only in the addition of פֶּסֶל to וּמַצֵּבָה does the form in 26<sup>1</sup> seem to be less primitive. This addition is irrelevant and suggests Deuteronomic influence (cf. 26<sup>30</sup>). Accordingly, it seems plausible to supplement and rearrange 19<sup>3f</sup> by 26<sup>1f</sup>, and to regard the latter as exhibiting the original form of the opening of this set of laws which is parallel to the Decalogue. The command to fear mother and father must then have formed part of another pentad in immediate connection, just as in the Decalogue the command to honor parents is included in the same table with duties to God.

**3. Leviticus 24<sup>15b-22</sup> belongs where 19<sup>5-10</sup> now stands.**—The fact which now demands attention is, that the prohibition of taking God's name in vain and of murder are wanting in Lev. 19. If our reconstruction of 19<sup>3f</sup> be correct, from honoring mother and father we pass directly (v.<sup>11</sup>) to stealing, injustice, and wrong attitude of heart towards one's neighbor. This can scarcely be original, for it is characteristic of H to lay emphasis upon reverence to God as the ground of all obedience, and the sixth commandment is surely as important as any other. Both of these commandments stand in the Book of the Cove-

nant (Ex. 22<sup>27</sup> 21<sup>12a</sup>), and there is no reason why they should have been left out of H. Along with the command to reverence parents we should expect laws in regard to reverence towards God, so that the pentad in regard to worship would be followed by one in regard to piety both towards God and parents, and this again would be followed by laws in regard to killing. In other words, the place now occupied by the extraneous section 5-10 we should suppose was once occupied by a set of laws in regard to profanity and killing, which made the nexus between 3<sup>d</sup> and 1<sup>1</sup>.

Here, also, by a happy coincidence we are able to restore the missing legislation. In 24<sup>15b-22</sup> there is a group of laws, which has long been recognized as bearing the characteristic marks of H. Lev. 24 as a whole breaks the connection between Lev. 23 and 25. Up to this point the legislation of H has, in the main, proceeded logically and regularly. In 21 there are laws in regard to holiness in the priests; in 22<sup>1-16</sup>, in regard to the hallowing of the offerings; in 22<sup>16-33</sup>, in regard to the sacrifices; in 23, in regard to the annual feasts. In 25 the legislation in regard to the sacred seasons is continued with the related subjects of the release of land and of slaves in the sabbatical year. This forms a consistent development, but into this scheme Lev. 24 does not fit. Between the laws of the harvest feasts in 23 and the law of the sabbatical seventh year in 25, which forms the natural continuation of the legislation, comes the strange miscellany of this 24th chapter. Verses 1-4 command the provision of oil for the sacred lamp of the tabernacle. The same commandment in almost identical words is found in Ex. 27<sup>30f</sup>. Here it stands among the directions for the building and equipping of the tabernacle, and is apparently in its original place; but it has nothing in common with the legislation of H, either in thought or in language, and, consequently, its repetition in Lev. 24 must be regarded as a gloss.

The next verses of this chapter (v.<sup>5-9</sup>) discuss the subject of the preparation and arrangement of the show-bread. They belong after Ex. 25<sup>30</sup>, where the construction of the sacred table is commanded, and Aaron is told to place the show-bread upon it; but it is not explained what the show-bread is, nor how it is to be displayed upon the table. The law is a purely priestly one, and falls outside the scope of the legislation of H. Its diction is not that of H, but of the priestly laws of Exodus, among which, according to its thought, it belongs.

24<sup>10-14</sup> is a still more curious section. It is not legislation, either national or priestly; but it is the story of a man who blasphemed the

name of God, and who was sentenced to be stoned to death. This is a peculiar section of the Book of Leviticus, and it comes in strangely enough in this connection.

It is followed in v.<sup>18-22</sup> by a little group of laws in regard to blasphemy, killing men, killing beasts, injuring men, and injuring beasts. This section has the characteristics of H, and is admitted by all critics to be an integral part of that code. The laws are compressed into simple sentences, they are arranged with logical skill, a number of words are peculiar to H, and the group is closed (v.<sup>22</sup>) with the characteristic formula of H, "I am Yahweh, your God." The only relation which this section has to the preceding story is through the single law against blasphemy at the beginning. This fragment of H has been inserted here by the same person who inserted all the miscellaneous matter in Lev. 24, for the sole purpose of bringing the story of the blasphemer into connection with the law against blasphemy; and, singularly enough, he has allowed to follow along with it other legislation, connected with it in the original H, which has no relation to the story of the blasphemer. This group, although certainly a fragment of H, is as much out of place between the law of the feasts and the law of the sabbatical year as is all the rest of the matter in Lev. 24. Profanity, homicide, and assault are not connected with the sacred seasons, nor are they matters of the cultus, but they belong among the **משפטים**, or social regulations, of Lev. 17-20.

These verses supply exactly the matter which is needed between 19<sup>4</sup> and 11. The continuation of 19<sup>2f.</sup> (= 26<sup>1f.</sup>) is found in 24<sup>15b-22</sup> and the continuation of 24<sup>22</sup> in 19<sup>11</sup>. Combining 24<sup>15f.</sup> with the command to fear mother and father we have the relics of the pentad on reverence which must have followed the pentad on worship at the beginning of Lev. 19.

Baentsch comes very near recognizing this original form of H, for he observes that the legislation of Lev. 19 follows the order of thought of the Decalogue, and that Lev. 24<sup>15b-22</sup> is out of place among the ceremonial regulations of the second half of the code; but he makes the mistake of supposing, on the strength of **וְיָנֵם** v.<sup>16</sup> (cf. 20<sup>2-7</sup>), that this section once stood in connection with Lev. 20. This is impossible, because Lev. 20 contains no new legislation. It is merely a repetition in another form and with hortatory additions of laws which stood in previous portions of H. It is in no sense an independent code, but a hortatory passage based on 17-19. There is no point in Lev. 20 where these laws are necessary to the completion

of the logical structure, while in Lev. 19 there is a gap which they exactly fill.

The language of 24<sup>15b-22</sup> is strongly marked by phrases of H; **איש** **איש** v.<sup>15</sup> (cf. 17<sup>3, 8, 10, 13</sup> 18<sup>6</sup> 20<sup>2, 9</sup> 22<sup>4, 18</sup>), **יקלל** v.<sup>15</sup> (cf. 19<sup>14</sup> 20<sup>9</sup>), **אלהיו** v.<sup>15</sup> (cf. 21<sup>7, 12, 17</sup>), **נשא חטאו** v.<sup>15</sup> (cf. 19<sup>17</sup> 20<sup>20</sup> 22<sup>9</sup>), **מות יומת** v.<sup>16, 17</sup> (frequent in Lev. 20), **עמית** v.<sup>19</sup> (cf. 18<sup>20</sup> 19<sup>11, 15, 17</sup> 25<sup>14, 16, 17</sup>); nevertheless, there are certain phrases which break the connection and show by their diction that they were added by the priestly editor in order to bring the legislative fragment into closer connection with the story of the blasphemer. Thus 16<sup>a</sup> is a mechanical repetition of the thought of the previous sentence, and the language is that of P in every word (cf. Nu. 15<sup>35</sup> (Sam. LXX).<sup>36</sup> Josh. 7<sup>25</sup>). Verse 22<sup>b</sup> is also a purely priestly addition, "One judgment shall ye have: like alien like homeborn shall it be" (cf. Ex. 12<sup>49</sup> Nu. 9<sup>14</sup> 15<sup>15, 16, 29</sup>). Apart from these sentences, however, there is no evidence of interpolation in this section. Verse 16<sup>a</sup> is not a repetition of 15<sup>b</sup> since **שם** is not synonymous with **קלל**, and since **ידוה** gives the law a narrower scope than **אלהיו**. The phraseology of this verse is foreign to P and in **מות יומת** is characteristic of H, so that there is no reason to doubt that it is primitive.

**4. Reconstruction of the Decad on Duties to God (19<sup>3f</sup> 24<sup>15f</sup>).**—Joining 24<sup>15a</sup> to the isolated law in regard to reverence (19<sup>3</sup>), which falls outside of the pentad on worship (19<sup>3f</sup> 26<sup>1f</sup>), we have three laws of the legislation on reverence; "Ye shall fear every man his mother and his father," "Any man when he curseth his God shall bear his sin," "He who revileth the name of Yahweh shall surely be put to death." Here are only three laws on reverence between five laws on worship and five laws on physical injury. Both of the pentads are closed with "I am Yahweh" (19<sup>3</sup> = 26<sup>2</sup> and 24<sup>22</sup>), but the laws on reverence lack this formula. Possibly, therefore, a couple of laws have fallen out of the text, carrying with them the closing refrain of the group.

It is to be noted that while in 19<sup>3</sup> there is a positive commandment to honor parents, there is no prohibition of irreverence or threatening with a penalty, although legislation of this sort is found in the Book of the Covenant (Ex. 21<sup>15, 17</sup> 22<sup>27</sup>). A law on this subject is found in Lev. 20<sup>9</sup>. This verse is unique in Lev. 20 in being the only one whose content does not correspond formally with some law already given in H. Even v.<sup>25</sup> has its analogue in Lev. 11<sup>2-21, 41-45</sup>, a displaced fragment of H. This law deals with the same general

subject as 19<sup>3a</sup>, but is so different from it formally that it cannot have been derived from it in the same way in which the other enactments of Lev. 20 have been derived from those of Lev. 17-19. It is not likely, however, that in this single instance the author of Lev. 20 abandoned the original to which he adheres so closely in the rest of the chapter. The inference, accordingly, is, that this law also once stood in Lev. 19 and was copied from there by the editor of Lev. 20, but that subsequently it has fallen out of the text of Lev. 19 and now remains only in the doublet. The comment 20<sup>3b</sup> (רמיו בו) Lev. 20 only) shows that <sup>3a</sup> is borrowed.

This law bears the clearest linguistic evidence of being an original element of H rather than an invention of the hortatory editor of Lev. 20, and its diction is still more closely allied to that of the laws on reverence Lev. 24<sup>1st</sup> than of any other portion of H, cf. אִישׁ אִישׁ יִקְלֵל, in both places, "his father and his mother" (20<sup>9</sup>), "his God" (24<sup>15</sup>). It forms, accordingly, the natural link between 19<sup>3a</sup> and 24<sup>15</sup>. That it should have fallen out of the text of Lev. 19 is not surprising, when one considers the way in which the rest of the laws on reverence have been dislocated. 19<sup>3a</sup> has got into the midst of the pentad which is preserved intact in Lev. 26<sup>1st</sup>. Lev. 24<sup>1st</sup> has gone to join P's story of the blasphemer, carrying with it H's legislation in regard to killing, which originally followed it. It is not wonderful, when the group was broken up in this fashion, that the law which corresponds to 20<sup>9</sup> should have dropped out of the text.

That there was a fifth law in the group on reverence is antecedently probable from the analogy of the rest of the code, but what it was remains a matter of pure conjecture.

Gathering up the results of our investigation from the beginning of this chapter, we may exhibit the reconstruction of another group of H as follows:

#### GROUP IV. DUTIES TOWARDS GOD (19<sup>3f. 30</sup> = 26<sup>1st</sup> 24<sup>1st</sup>).

##### a. Duties of Worship (19<sup>3f. 30</sup> 26<sup>1st</sup>).

- |                                                             |                                                                  |
|-------------------------------------------------------------|------------------------------------------------------------------|
| 1. Turn ye not unto the false gods ( <sup>4a</sup> ) and    | Ye shall not make for you false gods: and                        |
| 2. Molten gods ye shall not make for you ( <sup>4b</sup> ). | An image and a pillar ye shall not rear up for you: and          |
| 3.                                                          | A figured stone ye shall not put in your land to bow down to it, |
| <i>I am Yahweh, your God.</i>                               | <i>for I am Yahweh, your God.</i>                                |

- |                                                                                               |                                             |
|-----------------------------------------------------------------------------------------------|---------------------------------------------|
| 4. My sabbaths ye shall observe <sup>(38)</sup> .                                             | My sabbaths ye shall observe:<br><i>and</i> |
| 5. My sanctuary ye shall fear:<br>I AM YAHWEH, <i>your</i><br><i>God</i> <sup>(3, 30)</sup> . | My sanctuary ye shall fear:<br>I AM YAHWEH. |

### b. Duties of Reverence (19<sup>3a</sup> 24<sup>15f.</sup>).

6. Ye shall fear each his mother and his father (19<sup>8a</sup>).
7. [Any man who curseth his father or his mother shall surely be put to death: *his father and his mother he hath cursed, his blood shall be upon him.*] (20<sup>9</sup>)  
*And unto the children of Israel thou shalt speak, saying,*
8. Any man when he curseth his God shall bear his sin (24<sup>15</sup>); *and*
9. He who revileth the name of Yahweh shall surely be put to death.  
*All the congregation shall surely stone him with stones, as well the alien as the homeborn when he reviles the name shall be put to death (24<sup>16</sup>).*

5. This brings us to a new group of laws in regard to injuries to one's neighbor (24<sup>17-22</sup> 19<sup>11f.</sup>). If Lev. 24<sup>15-23</sup> stood once between Lev. 19<sup>4<sup>and</sup> 11</sup>, then the laws in regard to killing must in the original H have followed immediately after the laws in regard to reverence. This is what we should naturally expect, for the first five commandments of the Decalogue have already been covered in the fourth decad. Accordingly, in 24<sup>17-23</sup> we find a little group of H developing the thought of the sixth commandment.

Verse <sup>21</sup> is open to suspicion. It is a repetition of v. <sup>17f</sup>. in reverse order. According to Cornill (*Einleitung*, p. 76) it is a doublet to <sup>17f</sup>, but it is hard to believe that any editor would have been stupid enough to insert from a parallel code a law which he had just given two or three lines before. Dillmann thinks that the editor made the repetition in order to show that the extension of the legislation to the alien (v. <sup>22</sup>) applies to the whole group in regard to killing and not to the last precept only. In any case it is apparently an editorial addition.

The redactional character of v.<sup>22a</sup> has already been referred to. Apart from this there is no reason to think that the group has been modified. It exhibits the brevity and logical construction of H. It contains the characteristic words מות יומת and צמית, and it is closed with the formula "I am Yahweh," which here has been enlarged by a later hand with "for," and "your God." Apparently only three laws of the pentad remain, unless v.<sup>21</sup> is to be regarded as a corruption of the missing two.

The companion pentad to this is found in 19<sup>11</sup>. The seventh commandment having already been developed at length in Lev. 18, the sixth and the eighth are brought into contiguity. The law-giver did not have enough material to make a separate decad on each of the topics of killing and stealing, and, consequently, he has combined a group on each in one decad. This could be done very naturally, since killing, particularly in the case of a beast, and stealing are readily combined under the point of view of robbing a neighbor of that which rightfully belongs to him.

19<sup>11c</sup> contains at present only four laws, against stealing, denying the truth, asserting the false, and swearing to a lie. Analogy justifies us in supposing that one short law has fallen out of the text. It is noticeable that, while the two sides of lying are given, only one side of stealing is touched upon. We might expect to find alongside of the prohibition of active theft the prohibition of fraud. The law which seems to be needed theoretically to fill the gap is found in Lev. 19<sup>35c</sup>, which contains a prohibition of defrauding one's neighbor by the use of false weights or measures. במשפט at the beginning of v.<sup>35</sup> is irrelevant in this context, but is in its right place in v.<sup>15</sup> (against Dillmann), since honesty in measures is discussed here, while justice in legal matters is the subject of v.<sup>15c</sup>. The original form of this law must have been, "Ye shall do no iniquity in meteyard, in weight, or in measure." Verse<sup>35</sup> seems to be no more than an editorial comment on the meaning of v.<sup>35</sup>. This law is isolated in its present place at the end of Lev. 19, and is, therefore, pronounced by Wellhausen (*Composition*, p. 156) a later addition to the code, but the words אני יהודה and עול, and the allusion to the Exodus both point to this law's having been part of the original document. Legislation in regard to weights and measures was part of the oldest Hebrew codes (cf. Dt. 25<sup>13-16</sup>). Wellhausen remarks that "this reads like a bit of Deuteronomy with a strong admixture of Ezekiel," but this does not indicate that it is secondary, since the similarity both of Deuteronomy and Ezekiel to H is marked elsewhere. If, now, this law is original, no more appropriate place in the code can be found for it than in the gap in v.<sup>11</sup>. In that case the group would have contained laws against theft and fraud, against lying and deceit, and the general law against false swearing which applies to all the previous cases. This last law obviously does not refer to bearing false witness, which comes up for discussion in the next group (15<sup>c</sup>), but refers to oaths designed to defraud one's neighbor or to conceal a theft (cf. Ex. 22<sup>10</sup>). The phrase "so that thou profane the name

of thy God" belongs to the hortatory editor of the code. In 22<sup>2</sup> the secondary character of this formula is particularly prominent by the way in which it breaks the structure of the sentence. Here also it is irrelevant. What we should expect, if any addition to the simple commandment were made, would be, "so that thou defraud thy neighbor." Summing up results again, we read

#### GROUP V. INJURIES TO ONE'S NEIGHBOR.

##### a. Physical Injuries to Man or Beast (Lev. 24<sup>17-22</sup>).

1. A man when he smiteth any human being mortally shall surely be put to death: *and*
2. He that smiteth a beast mortally shall make it good, life for life: *and*
3. A man when he causeth a blemish in his neighbor, as he hath done, so shall it be done unto him; breach for breach, eye for eye, tooth for tooth; as he hath caused a blemish in a human being, so shall it be done to him; *and he that smiteth a beast shall make restitution: and he that smiteth a man shall be put to death. One judgment shall ye have; like alien, like home-born shall it be, for I AM YAHWEH, your God.*

##### b. Injuries to a Neighbor's Property (Lev. 19<sup>11f.</sup>).

6. Ye shall not steal: *and*
7. [Ye shall do no iniquity *in judgment*, in meteyard, in weight, or in measure. *Just balances, just weights, a just ephah, and a just hin shall ye have.*] (19<sup>35f.</sup>)
8. Ye shall not lie: *and*
9. Ye shall not deceive each his neighbor: *and*
10. Ye shall not swear by my name to a lie, *so that thou profane the name of thy God: I AM YAHWEH.*

6. **Laws against Injustice** (Lev. 19<sup>13-16</sup>).— Closely akin to the group of laws that have just been given in regard to injuries to one's neighbor are the laws against taking advantage of inferiors, which follow in 19<sup>13f.</sup> In one aspect this sort of unfairness is robbery. In another aspect it is allied to injustice in legal matters which follows in 19<sup>13f.</sup> Accordingly, this little group is in the right logical relation at this point in the code. It contains a perfect pentad of laws, closed <sup>146</sup> with the formula, "I am Yahweh."

Lev. 19<sup>15, 16</sup> is a pentad of laws against injustice in legal matters.



As such it is an expansion of the thought which underlies the ninth commandment of the Decalogue. The latter specifies only the sin of false witness, as the most extreme offence against justice, but in principle it is aimed against all forms of injustice, and the cases which it involves are here developed. The pentad appears to be in its primitive form, except that <sup>15a</sup> and <sup>15d</sup> are identical in thought, and it is not likely that both are original. Dillmann rejects "Ye shall do no unrighteousness in justice," on account of the use of the second person plural, and supposes that it is a gloss taken from 19<sup>35</sup>, but the code passes so freely from singular to plural (cf. <sup>11f.</sup>) that no significance can be attached to this fact. A more important indication is to be found in the circumstance that <sup>15d</sup> is positive while all the rest of the laws of the group are negative in their form. Besides, it is more consistent with the regular style of H to put the general precept first and the special cases after it. For this reason it is better to reject "in righteousness shalt thou judge thy neighbor," as a gloss.

#### GROUP VI. LAWS AGAINST INJUSTICE (Lev. 19<sup>13-16</sup>).

##### a. Towards Dependents (19<sup>13f.</sup>).

1. Thou shalt not oppress thy fellow: *and*
2. Thou shalt not despoil.
3. The wages of a hired servant shall not stay over night with thee until the morning.
4. Thou shalt not curse the deaf: *and*
5. Before the blind thou shalt not put a stumbling block, *but thou shalt be afraid of thy God: I AM YAHWEH.*

##### b. In Legal Matters (19<sup>13f.</sup>).

6. Ye shall not do iniquity in justice.
7. Thou shalt not lift up the face of a poor man: *and*
8. Thou shalt not honor the face of a great man. *In righteousness shalt thou judge thy neighbor.*
9. Thou shalt not go as a slanderer among thy people.
10. Thou shalt not stand against the blood of thy fellow: I AM YAHWEH.

7. **Laws against Unkindness** (Lev. 19<sup>17f. 32-34</sup>).—The tenth commandment of the Decalogue prohibits covetousness as a typical sin of the heart from which outward offences flow. Lev. 19<sup>17f.</sup> follows

its analogy by beginning with a law, "Thou shalt not hate thy brother in thy heart," and following this up with a set of laws against sinful inward dispositions. The pentad here is complete and is closed with the original formula "I am Yahweh." There are no signs of modification in the midst of the section. The words, "Ye shall observe my statutes" (v.<sup>19</sup>), do not introduce a new group of laws (Dillmann), but are the hortatory conclusion of the preceding pentad, and come from the same hand as 18<sup>5, 24-30</sup> 19<sup>37</sup>.

The companion pentad to this one does not seem to be found in the verses which immediately follow. The legislation which one might expect antecedently in connection with the prohibition of an unkindly disposition, would be the prohibition of ill-treating the aged or the alien in 19<sup>32-34</sup>. These laws have no logical relation in their present context, and are regarded by many critics as an appendix to the code, but they exhibit the form of H, and are ancient in tone, so that it is more natural to regard them as transposed fragments. Both the Book of the Covenant and Deuteronomy contain legislation on this subject.

19<sup>32</sup> is a command to reverence the aged. The following precept against afflicting an alien belongs logically in this connection; for, like the aged, the alien was liable to oppression. The same law stands in the Book of the Covenant (Ex. 22<sup>20</sup>), with the same reason annexed, "for ye were strangers in the land of Egypt"; there is, therefore, no reason why these laws should be regarded as a late addition by Rp, or as a gloss which has crept into the text from Deuteronomy. Only the phrases **כִּי יִגֹּר אֶתְךָ נָר** (cf. Ex. 12<sup>43</sup> Nu. 9<sup>14</sup> 15<sup>14</sup>) and **כִּי יִגֹּר אֶתְךָ נָר לְכֶם הֵנָּה הֵנָּה אֶתְכֶם** <sup>34a</sup> (cf. Ex. 12<sup>49</sup> Lev. 24<sup>16, 22</sup> Nu. 9<sup>14</sup> 15<sup>20</sup>) certainly belong to P. On the other hand, P never adds "in your land," and, in fact, this is foreign to the standpoint of his legislation. The prohibition also to afflict a stranger tacitly implies that he does not occupy an equal position before the law with the native, and is, therefore, more liable to injustice. The words of <sup>34b</sup> are assured for H by Lev. 19<sup>18</sup>, where the same command is given in respect to one's neighbor.

The hand of the non-priestly hortatory editor is seen in the familiar formula, "but thou shalt be afraid of thy God" (v.<sup>32</sup>) with the addition "I am Yahweh," which betrays its secondary character by the fact that it does not correspond with the natural division of the code.

The formula "I am Yahweh" (v.<sup>34c</sup>) marks the end of a logical subdivision, but only three laws have preceded it, to honor the aged,

not to afflict a stranger, and, positively, to love him as one's self. That this condition is not original, is proved by the presence of the hortatory formula, "but thou shalt be afraid of thy God" (v.<sup>32</sup>). This phrase is regularly used by the hortatory editor after *prohibitions* of peculiarly reprehensible acts of oppression (Lev. 19<sup>14</sup> 25<sup>17, 38, 43</sup>). Its presence makes it possible, that a prohibition of some sort stood after 19<sup>32a</sup> at the time when the author of this phrase annotated the text, and that the prohibition has since fallen out of the text, leaving this warning exhortation in connection with the positive precept to honor the aged. What we should expect before the exhortation, from the analogy of the other codes, would be commandments not to afflict the widow and the fatherless. In the Book of the Covenant (Ex. 22<sup>21</sup>) and in Dt. 24<sup>17</sup> the widow and the fatherless are combined with the stranger. Ezek. 22<sup>17</sup> is parallel, even in verbal detail, to the legislation of H, but here the widow and the fatherless are mentioned in connection with the stranger. Accordingly, it seems possible that the original H contained legislation on this subject, to which the exhortation of <sup>32b</sup> belongs, and that this has fallen out of the text in one of the later recensions. Summing up results, we may reconstruct another decalogue of H as follows:

GROUP VII. LAWS AGAINST UNKINDNESS (Lev. 19<sup>17f, 32-34</sup>).

a. In the Disposition (19<sup>17f</sup>).

1. Thou shalt not hate thy brother in thy heart.
2. Thou shalt surely rebuke thy neighbor and not bear sin on his account.
3. Thou shalt not take vengeance: *and*
4. Thou shalt not bear a grudge against the children of thy kinsfolk: *and*
5. Thou shalt love thy fellow as thyself: I AM YAHWEH; *ye shall observe my statutes.*

b. Towards the Helpless (19<sup>32-34</sup>).

6. Thou shalt rise up before old age and shalt honor the face of an old man.
7. [Thou shalt not afflict a widow (?).]
8. [Thou shalt not oppress the fatherless (?)], *but thou shalt be afraid of thy God: I am Yahweh. And when there sojourneth with you*

9. An alien in your land ye shall not wrong him. *As the homeborn among you shall the alien be unto you who sojourns with you: and*  
 10. Thou shalt love him as thyself, *for ye were aliens in the land of Egypt: I AM YAHWEH, your God.*

#### IV. LEGISLATION OF LEV. 19<sup>19-27</sup>.

We have now concluded the legislation of H which is parallel to the Decalogue, and in the remaining legislation of Lev. 19 we have a collection of precepts which are aimed in the main against heathen practices and have the design of keeping Israel separate from the nations.

1. **Legislation of Lev. 19<sup>19</sup>.** — Lev. 19<sup>19</sup> contains three laws against the mingling of dissimilar things. Wellhausen regards this as an ancient gloss on the legislation, but the form is that of H, and the laws are clearly older than the similar legislation in Dt. 22<sup>9-12</sup>.

Verses 20-22 have nothing to do with v. 19 nor with the rest of this chapter. Delitzsch (*Studien*, XII., p. 623) tries indeed to show that they are original, but there is general agreement among critics that they are a late gloss. If this law belongs to H, it must have stood among the chastity laws in Lev. 18, but Knobel's idea that it is related to the foregoing laws by the thought that intercourse of a free man with a bond woman is as unnatural as the mixing of two breeds of animals, is manifestly absurd. In ordinary cases such concubinage was freely permitted. Verses 20-22 display throughout the diction of P; cf. **מִוֶּעַד אֵלֶּל פָּתַח אֵלֶּל מִוֶּעַד**, **אֵשׁ**, **אֵשׁ**, and the sacrificial formula v. 22, with Lev. 5<sup>24f</sup>. Wellhausen (*Prolegomena*, p. 77), Kuenen (*Onderzoek*, p. 89), Wellhausen (*Composition*, p. 156), Baentsch (p. 29) regard only 21-22 as added by P, but this is improbable, since v. 20 has the closest relation to the two verses which follow, but none to those which precede, and since this verse also shows the style of P; **שָׂפָחָה** instead of **אִמָּה**, **יֹשֶׁבֶת שֹׁכֵבֶת זָרָה** (cf. Lev. 15<sup>18</sup> Nu. 5<sup>13</sup>). Lev. 19<sup>20-22</sup>, accordingly, is not the original continuation of v. 19, but is an addition to the code by the priestly editor. As remarked above, Lev. 19<sup>19</sup> contains only three laws. That the group is not complete is evident from the fact that the concluding formula is wanting. Something has been lost from the end of the original pentad, and has carried with it the refrain, "I am Yahweh." What law, then, must originally have followed the prohibition of wearing a garment of two kinds of stuff? I find the clue to the solution of this prob-

lem in the order of the legislation in Dt. 22<sup>11f</sup>. Verse 11 reads, "Thou shalt not wear a mingled stuff, wool and linen together." Verse 12 continues, "Thou shalt make tassels for thee in the four corners of thy mantle with which thou coverest thyself." The two precepts are logically connected, the thought being, that, while it is not permitted to weave together two kinds of material, tassels may be put upon the border of a garment.

This combination is to my mind suggestive that the section Nu. 15<sup>37-41</sup>, which has long been recognized as bearing the characteristic marks of H, once stood after Lev. 19<sup>19</sup>. This section not only displays the diction of H, but has no relation to the context in which it stands. It is accompanied with an exhortation every phrase of which is peculiar to H; "go whoring after" (17<sup>7</sup> 20<sup>5, 6</sup>), "remember and do all my commandments" (18<sup>4f. 26, 30</sup> 20<sup>22</sup> 22<sup>31</sup>), "be holy unto your God" (19<sup>2</sup> 20<sup>26</sup> 22<sup>32</sup>). The whole is followed by the familiar closing formula of H, "I am Yahweh, your God, who brought you out of the land of Egypt"; and this indicates also that here we have a dislocated fragment of the Holiness legislation. (So Dillmann, *Nu.*, p. 86; Kuenen, *Onderzoek*, p. 270; Delitzsch, *Studien*, p. 622; Klostermann, *ZLT.*, 1887, p. 409; Horst, p. 35; Baentsch, p. 9; and others.)

Baentsch suggests that it must once have stood among the laws of Lev. 18-20, but offers no nearer suggestion as to its exact original position. It is provided with the closing formula which shows that v.<sup>41</sup> must once have stood at the end of a pentad, and where could it have stood more appropriately than at the end of this defective group 19<sup>19</sup>?

Its original connection with the laws against mingling stuffs in garments, which is so apparent in Dt. 22<sup>12</sup>, has been obscured by the additions hortatory and otherwise which it has received. At the time of its transfer to its present place in Numbers the passage received the conventional priestly superscription 15<sup>37f.</sup>, "Speak unto the children of Israel and say unto them." Probably the words of <sup>38</sup>, "And they shall put in the fringe of each border a thread of blue," are also a priestly addition, since the thread of blue is not found in the Deuteronomic recension of the law and is ignored in the exhortation Nu. 15<sup>39-40</sup>, which speaks only of the fringe; and since תכלת 'blue' is a word which is frequent in the descriptions of the Tabernacle and of the priestly vestments, but is found nowhere else in the Hexateuch. It is apparently a bit of ritualistic amplification on the part of the priestly redactor. The word לדרתם (v.<sup>38</sup>) is also an unmistakable priestly gloss.

Nu. 15<sup>39-41</sup> contains no new legislation, but is merely exhortation to observe the previous legislation. It shows the style of the non-priestly hortatory editor, whose work we have seen in Lev. 17-19. Whoever wrote this passage missed, it seems to me, the purpose of the original legislation. He found there a law, "Thou shalt make a fringe in the border of thy garment," and supposed that it had some profound religious significance, whereas, as Dt. 22<sup>11c</sup> shows, it was simply a permission to use as a fringe material which might not be woven into the fabric. That religious significance, he supposed, was in order that the fringe might remind Israel to keep all the commandments of Yahweh, and consequently he wrote this exhortation embodying his exegesis of the passage. By this addition the law became a purely ceremonial institution, and was no longer appropriate among the *משפטים* of Lev. 17-19, so that it is not surprising that the priestly editor should have thought that it would find a more appropriate place among the ritual regulations of Numbers, and should have transferred it thither.

The restoration of Nu. 15<sup>39c</sup> to its original connection gives the concluding law of the pentad against mixing things of diverse kinds. One law is still lacking to complete the five. It seems to me plausible that this law was analogous to the one which stands in Dt. 22<sup>5</sup>. Dt. 22<sup>1-12</sup> is made up of a series of extracts from earlier legal documents. Verses <sup>1-4</sup> relate to kindness to animals, and with these v.<sup>6-7</sup> are related. Verse <sup>5</sup> is related to v.<sup>9-12</sup>, which treat of mingling dissimilar things. Verse <sup>8</sup> is foreign to either of these groups of laws, but is connected with those in Chapter 21. Without determining at this point which is more original, it is evident that there is some relation of dependence between the laws of Lev. 19<sup>19</sup>, Nu. 15<sup>38</sup>, and Dt. 22<sup>5, 9-12</sup>. Dt. 22<sup>9</sup> corresponds with Lev. 19<sup>19c</sup>, except that the law is made narrower by the substitution of vineyard for field. Dt. 22<sup>10</sup> has probably arisen by misunderstanding of *תרביע* of Lev. 19<sup>19</sup>, or else by intentional modification so as to permit the breeding of mules (Dillmann). Dt. 22<sup>11</sup> corresponds exactly with Lev. 19<sup>19c</sup> in its thought, and even in the use of the strange word *שעטנו*. Dt. 22<sup>12</sup> corresponds with Nu. 15<sup>38</sup>. One law still remains in Dt. 22<sup>5</sup>, which treats of interchanging garments by the sexes, and this is allied to <sup>11c</sup>. It cannot be proved that a law analogous to this ever stood in Lev. 19<sup>19</sup>, but, in view of the correspondence of all the rest of the laws of the group, it seems, to say the least, a plausible hypothesis. Certainly a law against the wearing of garments of the other sex would be most appropriate in a group containing laws against

the mingling of species and the wearing of garments of mixed materials. I now exhibit the hypothetical reconstruction of this pentad.

GROUP VIII. LAWS AGAINST MINGLING DISSIMILAR THINGS.

Lev. 19<sup>19</sup>: Nu. 15<sup>37-41</sup>.

Dt. 22<sup>5, 10, 9, 11f.</sup>

- |                                                                     |                                                                                                                                         |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1.                                                                  | A man's things shall not be on a woman, and a man shall not wear a woman's clothing.                                                    |
| 2. Thy beasts thou shalt not cause to gender in two kinds.          | Thou shalt not plow with a steer and an ass together.                                                                                   |
| 3. Thou shalt not sow thy field with two kinds.                     | Thou shalt not sow thy vineyard with two kinds, lest the whole be hallowed, the seed which thou sowest and the produce of thy vineyard. |
| 4. A garment of two kinds, a "sha'atnez," shall not come upon thee. | Thou shalt not wear a "sha'atnez," wool and linen together.                                                                             |

*And Yahweh spake unto Moses saying, Speak unto the sons of Israel and say unto them, and*

- |                                                                                                                                                                  |                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 5. <i>They shall make a fringe for them in the borders of their garments unto their generations and shall put in the fringe of each border a thread of blue:</i> | Tassels thou mayest make for thee in the four borders of thy mantle with which thou coverest thyself. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
- and it shall be unto you for a fringe, and ye shall see it and shall remember all the commandments of Yahweh and ye shall do them; and ye shall not go about after your hearts and after your eyes, after which ye go a whoring; that ye may remember and do all my commandments, and may be holy unto your God; I am Yahweh, your God, who have brought you out of the land of Egypt to be a God unto you: I AM YAHWEH, your God.*

The companion pentad to this, if it ever existed, has been lost out of the Holiness legislation, and no vestiges of it remain in other contexts in the Pentateuch. That it once existed is possible, but what its contents were can only be conjectured. I venture to suggest, as this pentad contains laws against the mingling of dis-

similar things, and as the following groups are directed against heathen practices, that a missing pentad which may have stood between these was devoted to prohibiting Israelites from mingling with the heathen by marriage, or in other ways, such as we find in Ex. 34<sup>12-16</sup> Dt. 7<sup>1-4</sup>. For this conjecture, however, no proof can be given.

The legislation of Lev. 19<sup>23-25</sup> bears every mark of belonging to H, but is not in its right place here. Its contents are not only unrelated to the groups of laws on either side of it, but are distinctly ceremonial in character. Refraining from eating the fruit of a tree for three years and consecrating all the fruit to Yahweh in the fourth year, is not a matter of morals, but of cultus, and does not belong here, but among the regulations of Lev. 23-25, which treat of the sacred seasons, or abstaining from the produce of the land in the seventh year, etc. The affinity of these laws with the legislation in regard to the sacred seasons in Lev. 23, 25 is very marked. They are introduced with the same formula 23<sup>10</sup> and 25<sup>2</sup>, "when ye come into the land," they connect the worship of God with the harvest in the same way as the legislation of H in Lev. 23, 25, they use the same word תבואה of the crop (cf. 19<sup>25</sup> 25<sup>2, 30</sup>), they exhibit the same sort of allegorical transference of the terms of religion to the realm of nature. In 25<sup>5</sup> the unpruned vine is spoken of as a נזיר, because of the analogy between the uncut locks of a man and the untrimmed branches of a vine. In 19<sup>23</sup>, by a similar analogy, the fruit of the young tree is spoken of as its ערלה. Wellhausen says that this analogy shows late abstraction. How unreasonable this assertion is, is evident from the fact that the institution is recognized as well known Dt. 20<sup>6</sup> 28<sup>30</sup> Jer. 31<sup>5</sup>. What the analogy really proves is the high antiquity of the institutions of circumcision and of the nazirite which made it possible for names taken from them to be transferred to trees and vines (cf. Dillmann, p. 556).

These laws in Lev. 19<sup>23-25</sup> form the natural transition from the legislation in regard to the sacred seasons which fall *within* the year to the sabbatical *seventh* year. Here the period of rest applies to only a portion of the harvest, and the year of consecration to Yahweh is the fourth, and thus comes oftener than the sabbatical year, which affects the entire harvest. Finally, only a pentad of laws is found in Lev. 25<sup>2-7, 14, 17</sup>, so that this group seems to be needed to complete the decad on the sacred years at the beginning of Lev. 25.

In one respect this little section seems to be incomplete; it does not tell us what is to be done with the consecrated produce of fruit



trees in the fourth year. We are told simply, "In the fourth year all its fruit shall be a holy thing of praise unto Yahweh." Some law on this subject may have stood in this connection, particularly as the group now contains only four laws. It is impossible to say with certainty what was the use to which the consecrated fruit was put, but perhaps we are justified in inferring from the analogy of Lev. 23<sup>23</sup> and 25<sup>37</sup>, that the fruit of the fourth year was to be left for the poor and the alien. In Dt. 14<sup>28f</sup>. the tithe "at the end of every three years" is to be laid up for the Levite, the alien, the fatherless, and the widow. It is noteworthy, also, that this law of Dt. 14<sup>28f</sup>. stands immediately before the law of the sabbatical year in Dt. 15. This favors the theory just advanced as to its original place in the Holiness-Code.

**2. Legislation in Regard to Clean and Unclean Meats (Lev. 11<sup>1-23</sup>. 41-47).** — Lev. 19<sup>36</sup>, "Ye shall not eat anything with the blood," cannot be original, since H has already treated of this subject in Lev. 17<sup>10-14</sup>. It may be a gloss that has come in at this point through association of thought with the interpolated laws in regard to eating fruit which immediately precede; or, as seems to be more probable, it is a textual corruption of another law in regard to food. No reason appears why the laws in regard to eating the fruit of trees should have been inserted at this point unless there was something in regard to eating already in the text, some such law as is now found in 19<sup>26</sup>.

This consideration becomes more striking when we observe that Lev. 20<sup>25</sup> exhorts to separating between the clean beasts and the unclean. Lev. 20 adheres closely to the legislation which precedes it, and the presence of such an exhortation creates the strong probability that some legislation in regard to animals which might be eaten and which might not be eaten stood originally in H. (cf. Wellhausen, *Composition*, p. 158; Dillmann, *Ex.-Lev.*, p. 563).

It seems possible that the code of clean and unclean meats once stood at about this point in Lev. 19, because in Lev. 20 the exhortation to keep this law is followed by an exhortation to keep the law against necromancers and wizards, which stands in 19<sup>31</sup>. Moreover, 20<sup>26</sup> views abstinence from unclean meats as a means of separating Israel from the heathen, and 19<sup>26</sup> is followed by a set of laws against specifically heathen practices. Accordingly, it is likely that 19<sup>26</sup> preserves the relics of the beginning of the legislation in regard to clean and unclean beasts.

The main result of a prohibition of certain foods, perhaps its main



reason, was to separate Israel from the nations round about; and it is natural, therefore, that laws of this sort should have stood in connection with other laws against conformity to the heathen. As a badge of nationality, as belonging to the duties of every-day life, and as not connected in any way with the sacred calendar, these regulations found an appropriate place here in the first half of the code. Dietary laws are similar to the laws in regard to slaughter, which also stand in this collection, rather than among the ceremonial regulations proper. To the legislator they seemed so fundamental as to be worthy of being put alongside of the groups that amplify the Decalogue.

The missing legislation in regard to food, which must at one time have stood in Lev. 19 in connection with the laws against heathen customs, is found in Lev. 11. The subscription of this code corresponds verbally with the exhortation of Lev. 20<sup>26f.</sup>: "Make not your souls loathsome" (11<sup>43</sup> 20<sup>25</sup>); "Ye shall be holy, for I am holy" (11<sup>44</sup> 20<sup>26</sup>); "To defile oneself" (11<sup>44</sup> 20<sup>25</sup>). Lev. 11<sup>45</sup> alludes to the election of Israel in the same way as 20<sup>26b</sup>. It is probable, therefore, that the legislation which 20<sup>25</sup> contemplates is the same legislation which is closed by 11<sup>43-45</sup>.

Every phrase of 11<sup>43-45</sup> is characteristic of H over against P, so that there can be no doubt that this subscription has been drawn from the original form of H; but the subscription has been written in view of preceding legislation, and, consequently, it is probable that some, at least, of the legislation of Lev. 11 belongs to H. Lev. 20<sup>25</sup> speaks of clean and unclean beasts, of clean and unclean fowl, and of creeping things, but does not give the criteria by which these are to be distinguished. Lev. 11 gives the criteria and, therefore, furnishes precisely the model which Lev. 20<sup>25</sup> presupposes.

A further reason for thinking that original legislation of H precedes the subscription of Lev. 11<sup>43-45</sup> is found in the fact that in Lev. 11 it is evident that an older code has been combined with P. The peculiar double superscription 11<sup>1</sup> and the second subscription 11<sup>46f.</sup> indicate that the compiler of Leviticus has used a special source. Moreover, Wellhausen has shown (*Composition*, p. 155) that the older strata may be discriminated from the later priestly addition v. 24-40. This treats of *touching* unclean beasts, and of the ceremonial purifications which must follow, and is thus foreign to the subject of the chapter, which is the *eating* of unclean creatures. It is ignored by the subscription 11<sup>43-45</sup>, and by the exhortation 20<sup>26f.</sup>; no trace of it is found in the doublet of this code Dt. 14; it exhibits throughout the casu-

istic style and spirit of P. It is, therefore, recognized generally to be a late priestly interpolation between 11<sup>23</sup> and 41. That Wurster should assign it to H is incomprehensible.

If, now, an older and simpler code has been enlarged in the spirit of P, what is more probable than that this older code is H, which, as we have seen, has been enlarged in precisely the same way in Lev. 17-19? That the code was H is recognized by Klostermann (p. 409), Kuenen (*Onderzoek*, p. 270), Horst (p. 34), Riehm (*Einkl.*, p. 194), Dillmann (*Ex.-Lev.*, p. 480), Delitzsch (*ZKW.*, 1880, p. 622 f.), Kayser (*FPT.* 1881, p. 650), Driver (*Leviticus*). I conclude, therefore, that in Lev. 11<sup>2-23, 41-46</sup> another group of H has been preserved, which has been transferred from its original place after 19<sup>19</sup> in the same manner as Lev. 24<sup>15-22</sup> and Nu. 15<sup>37-41</sup> have been moved out of their original connection.

Space will not permit me to discuss here in full the analysis of Lev. 11 in comparison with Dt. 14<sup>3-20</sup>, but for the sake of completeness I indicate the main results of an analysis. A decal of laws of H underlies Lev. 11 and Dt. 14, the enactments of which were as follows: (1) a general prohibition of eating any sort of unclean beast (Dt. 14<sup>3</sup>), (2) a permission of certain quadrupeds (Lev. 11<sup>23-3</sup> Dt. 14<sup>4-6</sup>), (3) a prohibition of certain quadrupeds (Lev. 11<sup>4-7</sup> Dt. 14<sup>7-8a</sup>), (4) a permission of certain aquatic animals (Lev. 11<sup>9</sup> Dt. 14<sup>9</sup>), (5) a prohibition of all other aquatic animals (Lev. 11<sup>10</sup> Dt. 14<sup>10</sup>), (6) a permission to eat clean birds (Dt. 14<sup>11</sup>), (7) an enumeration of unclean birds which may not be eaten (Lev. 11<sup>13-19</sup> Dt. 14<sup>12-18</sup>), (8) a general prohibition of insects (Lev. 11<sup>20</sup> Dt. 14<sup>19</sup>), (9) an exception in favor of certain kinds of locusts (Lev. 11<sup>21-23</sup> Dt. 14<sup>20</sup>), (10) a prohibition of all wingless creeping things (Lev. 11<sup>41</sup>). The results of the analysis and the relation of the two recensions are exhibited in the following translation.

GROUP IX. CLEAN AND UNCLEAR MEATS (Lev. 19<sup>26a</sup> 11<sup>1-23, 41-47</sup>  
Dt. 14<sup>3-20</sup>).

a. Land Quadrupeds, Fish, and Amphibians.

1. Ye shall not eat *with the blood* Thou shalt not eat any abomina-  
(19<sup>26a</sup>). *And Yahweh spake* tion.  
*unto Moses and Aaron, say-*  
*ing: Speak unto the sons of*  
*Israel, saying:*
2. These are the *living things* These are the beasts which ye  
which ye may eat *of all* may eat, *the ox, the sheep, and*

*beasts which are upon the earth:*

every one which parteth the hoof and is cloven-footed, chewing the cud among the beasts, it ye may eat.

3. Only these ye shall not eat of those which chew the cud and of those which part the hoof: the camel because it cheweth the cud but parteth not the hoof, it is unclean unto you; and the badger, because it cheweth the cud but parteth not the hoof, it is unclean unto you, and the hare, because it cheweth the cud but parteth not the hoof, it is unclean unto you; and the swine, because it parteth the hoof and is cloven-footed but doth not chew the cud, it is unclean unto you.

*Of their flesh ye shall not eat and their carcasses ye shall not touch; they are unclean unto you.*

4. And these ye may eat of all that are in the waters; everything that hath fins and scales *in the waters, in the seas, and in the rivers, them ye may eat.*

5. And everything which hath not fins and scales *in the waters, and in the rivers, of everything that swarmeth in the waters, and of every living thing which is in the waters,* loath-

*the goat, the hart, the gazelle, the stag, and the wild goat, the pygarg, and the antelope, and the chamois, and every beast which parteth the hoof and hath the foot cloven in two, chewing the cud among the beasts, it ye may eat.*

- Only these ye shall not eat of those which chew the cud, and of those which part the cloven hoof: the camel, and the hare, and the badger because they chew the cud but part not the hoof, they are unclean unto you;

and the swine because it parteth the hoof but cheweth no cud, it is unclean unto you.

*Of their flesh ye shall not eat and their carcasses ye shall not touch.*

- And these ye may eat of all that are in the waters: everything that hath fins and scales ye may eat.

- And everything which hath not fins and scales ye shall not eat; it is unclean unto you.

some are they unto you, and  
*they shall be loathsome unto you.*  
*Of their flesh ye shall not eat*  
*and their carcasses ye shall*  
*loathe. Everything which has*  
*not fins and scales in the waters*  
*loathsome is it unto you.*

**b. Birds, Insects, and Vermin.**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>6.</p> <p>7. And these <i>ye shall loathe</i> of the winged things shall not be eaten <i>they are loathsome</i>; the eagle, and the gier, and the ospray, and the kite, and the falcon after its kind, every raven after its kind, and the ostrich, and the tahmas, and the seamew, and the hawk after its kind, and the little owl, and the cormorant, and the great owl, and the swan, and the pelican, and the vulture, and the stork, the ibis after its kind, and the hoopoe, and the bat.</p> <p>8. Every winged creeping thing <i>that goeth upon all four</i>, loathsome is it unto you.</p> <p>9. Except these ye may eat of all the winged creeping things <i>which go upon all four</i> which have shanks above their feet to spring with them upon the earth, these of them ye may eat: the locust after its kind, and the great locust after its kind, and the locust after its kind, and the little locust after its kind. <i>And</i></p> | <p>Every clean bird ye may eat.</p> <p>And these are the ones which ye shall not eat; the eagle, and the gier, and the ospray, and the ra'ah, and the falcon, and the kite after its kind, every raven after its kind, and the ostrich, and the tahmas, and the seamew, and the hawk after its kind, and the little owl, and the great owl, and the swan, and the pelican, and the vulture, and the cormorant, and the stork, the ibis after its kind, and the hoopoe, and the bat.</p> <p>And every winged creeping thing unclean is it unto you, it shall not be eaten.</p> <p>Every clean winged thing ye may eat.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*every winged creeping thing  
which has four feet, loathsome  
is it unto you.*

(Verses <sup>24-40</sup> belong wholly to P).

10. And every crawling thing which crawleth upon the face of the earth is loathsome, it shall not be eaten. *Everything which goeth upon the belly, and everything which goeth upon all four, besides everything which hath many feet, namely, the crawling things which crawl upon the earth, ye shall not eat, for they are loathsome. Make not yourselves loathsome with any crawling thing that crawleth, and defile not yourselves that ye should be defiled with them, for I am Yahweh, your God; and ye shall hallow yourselves and shall be holy, for I am holy. And ye shall not defile yourselves with any crawling thing that creepeth upon the earth, for I AM YAHWEH, who have brought you up out of the land of Egypt to be a God unto you, and ye shall be holy, for I am holy. This is the law of the beast and of the winged thing, and of every soul of living thing that creepeth in the water, and of every soul that crawleth upon the earth; to separate between the clean beast and the unclean, and between the living thing that may be eaten and the living thing that may not be eaten.*

**3. Laws against Heathen Practices (Lev. 19<sup>26b-31</sup>).** Having given the laws of food which separate Israel most widely from its heathen neighbors, H proceeded to enumerate other particulars in which Israel should be different from the heathen. The first pentad is complete, namely, 19<sup>26b, 26c, 27, 28a, 28b</sup>. Verse <sup>27</sup> can be regarded as containing but a single law, since there is not sufficient difference between cutting the hair and cutting the beard to suppose the legislator intended that they should be regarded as separate precepts. In 21<sup>5</sup> making bald the head and cutting the edge of the beard are in like manner combined in a single law.

The second pentad of the group has suffered mutilation. Verse <sup>30</sup>, "Ye shall observe my sabbaths and reverence my sanctuary: I am Yahweh," is parallel in part to 19<sup>8</sup> and in whole to 26<sup>2</sup>. It even carries with it the closing formula of the pentad 26<sup>2</sup>. We have seen already that these two laws are in their original place in the pentad 26<sup>1f</sup>, and in their right place in the code at 19<sup>8</sup>. In this connection they are irrelevant and cannot be original. Dillmann's theory that they have been drawn from a P recension of H, while the doublets have been drawn from a J recension, is destitute of evidence and is improbable, since these laws break the continuity of the code and, therefore, are more likely to be a gloss. This paragraph of the code

is directed against the introduction of heathen practices into religion. Verse <sup>20</sup> prohibits prostitution in the service of religion. If it referred to prostitution in general, it should have stood among the laws of Lev. 18. Verse <sup>31a</sup> treats of consulting necromancers, and <sup>31b</sup> of inquiring of wizards. These three laws belong logically together, and follow naturally after the preceding pentad. The last bears the refrain which marks the end of a pentad. Accordingly, it is probable that the two laws which now stand in v. <sup>30</sup> have been substituted in the place of two others in much the same way in which 19<sup>5-10</sup> has been substituted in the place of 24<sup>15-23</sup>. The original laws may have discussed the subject of religious prostitution more fully, and were left out by a later editor, either intentionally or through accident.

Perhaps we find a hint, what the missing laws were about, in Dt. 23<sup>18f</sup>. Dt. 23 is a series of disconnected clippings from various antique sources, and this little paragraph is wholly unrelated to its context. <sup>18a</sup> contains a law against religious prostitution, which is parallel to Lev. 19<sup>29</sup>. It is followed by two kindred laws, <sup>18b</sup> and <sup>19</sup>, which *may* well have stood also after Lev. 19<sup>29</sup>. It is possible that these laws in Dt. were drawn from H before it came into the hands of the non-priestly hortatory editor.

The exhortation which accompanies Lev. 19<sup>29</sup> is probably secondary. The idea of the sanctity of the land, and of sin as a profanation of the holy territory, is characteristic of the hortatory editor (cf. 18<sup>25-28</sup> 20<sup>22</sup> 26<sup>34</sup>). With this exception there is no evidence of interpolation in this group of laws. Summing up results, I suggest the following reading,—

GROUP X. AGAINST IMITATION OF HEATHEN CUSTOMS (Lev. 19<sup>26b-31</sup>).

a. In Secular Life (19<sup>26b-28</sup>).

1. Ye shall not use enchantments *and*
2. Ye shall not practice augury.
3. Ye shall not round the edge of your hair, and thou shalt not mar the edge of thy beard : *and*
4. A cutting for a dead person ye shall not make in your flesh : *and*
5. Tattooed writing ye shall not put upon you : I AM YAHWEH.

## b. In Religion.

Lev. 19<sup>29-31</sup>.Dt. 23<sup>18-19</sup>.

6. Profane not thy daughter to make her a harlot, *lest the land fall to whoredom and the land become full of lewdness.* There shall not be a temple-harlot of the daughters of Israel:
7. (v.<sup>30</sup> gloss. See 19<sup>3</sup> 26<sup>2</sup>). And there shall not be a temple-devotee of the sons of Israel.
8. Thou shalt not bring the hire of a harlot or the wages of a dog into the house of Yahweh, thy God, for any vow, for even both of them are the abomination of Yahweh, thy God.
9. Turn ye not unto the necromancers: *and*
10. Unto the wizards seek ye not for defilement with them: I AM YAHWEH *your God.*

The original position of the detached laws in Lev. 19<sup>29-36</sup> has already been discussed in connection with Lev. 19<sup>11f</sup> and 19<sup>14</sup>. V.<sup>36-37</sup> is the closing exhortation of the first main division of the Holiness Code, that is, the moral and social regulations. It comes from the same hand as the secondary exhortations in 18<sup>5</sup>.<sup>24-30</sup> 19<sup>18d</sup> 22<sup>31-33</sup> 25<sup>18-22</sup>. We thus reach the conclusion that the first half of the Holiness Code Lev. 17-19 contained originally ten groups of ten laws each. This conclusion encourages us to believe that, at least in its main points, our hypothesis of the structure of the minor divisions of this code is correct.



## LEBENS LAUF.

Ich, Lewis Bayles Paton, Sohn des Kaufmanns Robert Paton und dessen Ehefrau Henrietta geb. Bayles, wurde am 27<sup>ten</sup> Juni, 1864 in New York geboren.

Meinen ersten Unterricht habe ich in den "public schools" erhalten und bin dann, nachdem ich meine Abgangsprüfung im Herbst 1879 bestanden hatte, zum Besuch der Universität New York zugelassen worden.

Nach Verlauf von vier Jahren, während welcher ich "Arts and Sciences" studierte, bestand ich das Universitäts-examen und wurde darauf hin "Baccalaureus Artium."

Darnach habe ich ein Jahr lang an einer Knabenschule unterrichtet.

Die folgenden zwei Jahre brachte ich auf Reisen in Europa zu und beschäftigte mich während dieser Zeit mit dem Studium des Deutschen, des Französischen, und des Italienischen.

Im Herbst 1887 begann ich meine theologischen Studien und widmete mich denselben während dreier Jahre auf der Universität Princeton, im Staat New Jersey. Nach Ablauf dieser Zeit bestand ich die Universitäts- und die Kirchenprüfungen, worauf dann meine Ordination zum Prediger der presbyterianischen Kirche in den V. St. erfolgte.

Im Herbst 1890 reichte ich der theologischen Facultät zu Princeton eine Dissertation ein mit dem Titel "The Historical Character of the Book of Chronicles." Auf Grund dieser Arbeit und auf Grund der Auszeichnung, die ich bei einem Concurrenzexamen im Hebräischen erhielt, ernannte man mich zum "Fellow in Hebrew." In Folge dessen wurde mir ein Stipendium zu zweijährigen Studien in Deutschland gewährt.

Zu Ostern 1890 wurde ich an der Friedrich Wilhelms-Universität zu Berlin immatriculirt. Dort verblieb ich fünf Semester als Student der Theologie und der semitischen Sprachen. Professor Dillmann nahm mich freundlichst als Mitglied in sein Alttestamentliches Seminar auf.

Im Herbst 1892 wurde ich von der protestantischen theologischen Facultät in Hartford, Connecticut, zum Docenten der Kritik des Alten Testaments berufen. Ich folgte diesem Ruf. Im darauf folgenden Jahre wurde ich ausserordentlicher Professor am theologischen Seminar und bin ich in dieser Eigenschaft bis zur Zeit thätig gewesen. Inzwischen—im Jahre 1895—erhielt ich von der Universität New York den Grad eines "Magister Artium."

In New York habe ich den Unterricht der Professoren Baird, Draper, Johnson, Martin, Stevenson und anderer genossen; in Princeton den der Professoren Green, Hodge, McCosh, Patton, Warfield und anderer; in Berlin habe ich die Professoren Barth, Dieterici, Dillmann, Pfeiderer, Schrader, Strack und andere gehört. Allen, die ich genannt, schulde ich aufrichtigen Dank für das, was ich von ihnen empfangen habe. Ganz besonders verpflichtet fühle ich mich Herrn Professor Green in Princeton sowie den Herren Professoren Dillmann und Schrader in Berlin für das freundliche Entgegenkommen, das sie mir bewiesen haben.



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